

**As Reported by the House Criminal Justice Committee**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. S. B. No. 1**

**Senator LaRose**

**Cosponsors: Senators Gardner, Hoagland, Bacon, Hottinger, Beagle, Oelslager, Yuko, Hite, Eklund, Manning, Burke, Terhar, Hackett, O'Brien, Balderson, Huffman, Kunze, Lehner, Obhof, Peterson, Uecker, Wilson Representatives Manning, Rezabek, Butler, Lang**

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**A BILL**

To amend sections 2925.01, 2925.02, 2925.03, 1  
2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2  
2929.01, 2929.13, 2929.14, 2941.1410, 3719.41, 3  
3719.99, and 4729.99 of the Revised Code to 4  
increase penalties for drug trafficking 5  
violations, drug possession violations, and 6  
aggravated funding of drug trafficking when the 7  
drug involved in the offense is a fentanyl- 8  
related compound, except for drug possession 9  
violations when the fentanyl-related compound is 10  
combined with marihuana or a Schedule III, IV, 11  
or V controlled substance and the offender did 12  
not know of the fentanyl content; to revise the 13  
manner of determining sentence for certain 14  
violations of the offense of permitting drug 15  
abuse; and to add lisdexamfetamine to the list 16  
of schedule II controlled substances. 17

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2925.01, 2925.02, 2925.03, 18  
2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2929.01, 2929.13, 19  
2929.14, 2941.1410, 3719.41, 3719.99, and 4729.99 of the Revised 20  
Code be amended to read as follows: 21

**Sec. 2925.01.** As used in this chapter: 22

(A) "Administer," "controlled substance," "controlled 23  
substance analog," "dispense," "distribute," "hypodermic," 24  
"manufacturer," "official written order," "person," 25  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 26  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 27  
have the same meanings as in section 3719.01 of the Revised 28  
Code. 29

(B) "Drug dependent person" and "drug of abuse" have the 30  
same meanings as in section 3719.011 of the Revised Code. 31

(C) "Drug," "dangerous drug," "licensed health 32  
professional authorized to prescribe drugs," and "prescription" 33  
have the same meanings as in section 4729.01 of the Revised 34  
Code. 35

(D) "Bulk amount" of a controlled substance means any of 36  
the following: 37

(1) For any compound, mixture, preparation, or substance 38  
included in schedule I, schedule II, or schedule III, with the 39  
exception of any controlled substance-analog, marihuana, 40  
cocaine, L.S.D., heroin, any fentanyl-related compound, and 41  
hashish and except as provided in division (D)(2) ~~or~~, (5), or 42  
(6) of this section, whichever of the following is applicable: 43

(a) An amount equal to or exceeding ten grams or twenty- 44  
five unit doses of a compound, mixture, preparation, or 45  
substance that is or contains any amount of a schedule I opiate 46

or opium derivative;	47
(b) An amount equal to or exceeding ten grams of a	48
compound, mixture, preparation, or substance that is or contains	49
any amount of raw or gum opium;	50
(c) An amount equal to or exceeding thirty grams or ten	51
unit doses of a compound, mixture, preparation, or substance	52
that is or contains any amount of a schedule I hallucinogen	53
other than tetrahydrocannabinol or lysergic acid amide, or a	54
schedule I stimulant or depressant;	55
(d) An amount equal to or exceeding twenty grams or five	56
times the maximum daily dose in the usual dose range specified	57
in a standard pharmaceutical reference manual of a compound,	58
mixture, preparation, or substance that is or contains any	59
amount of a schedule II opiate or opium derivative;	60
(e) An amount equal to or exceeding five grams or ten unit	61
doses of a compound, mixture, preparation, or substance that is	62
or contains any amount of phencyclidine;	63
(f) An amount equal to or exceeding one hundred twenty	64
grams or thirty times the maximum daily dose in the usual dose	65
range specified in a standard pharmaceutical reference manual of	66
a compound, mixture, preparation, or substance that is or	67
contains any amount of a schedule II stimulant that is in a	68
final dosage form manufactured by a person authorized by the	69
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21	70
U.S.C.A. 301, as amended, and the federal drug abuse control	71
laws, as defined in section 3719.01 of the Revised Code, that is	72
or contains any amount of a schedule II depressant substance or	73
a schedule II hallucinogenic substance;	74
(g) An amount equal to or exceeding three grams of a	75

compound, mixture, preparation, or substance that is or contains 76  
any amount of a schedule II stimulant, or any of its salts or 77  
isomers, that is not in a final dosage form manufactured by a 78  
person authorized by the Federal Food, Drug, and Cosmetic Act 79  
and the federal drug abuse control laws. 80

(2) An amount equal to or exceeding one hundred twenty 81  
grams or thirty times the maximum daily dose in the usual dose 82  
range specified in a standard pharmaceutical reference manual of 83  
a compound, mixture, preparation, or substance that is or 84  
contains any amount of a schedule III or IV substance other than 85  
an anabolic steroid or a schedule III opiate or opium 86  
derivative; 87

(3) An amount equal to or exceeding twenty grams or five 88  
times the maximum daily dose in the usual dose range specified 89  
in a standard pharmaceutical reference manual of a compound, 90  
mixture, preparation, or substance that is or contains any 91  
amount of a schedule III opiate or opium derivative; 92

(4) An amount equal to or exceeding two hundred fifty 93  
milliliters or two hundred fifty grams of a compound, mixture, 94  
preparation, or substance that is or contains any amount of a 95  
schedule V substance; 96

(5) An amount equal to or exceeding two hundred solid 97  
dosage units, sixteen grams, or sixteen milliliters of a 98  
compound, mixture, preparation, or substance that is or contains 99  
any amount of a schedule III anabolic steroid; 100

(6) For any compound, mixture, preparation, or substance 101  
that is a combination of a fentanyl-related compound and any 102  
other compound, mixture, preparation, or substance included in 103  
schedule III, schedule IV, or schedule V, if the defendant 104

establishes by a preponderance of the evidence the affirmative 105  
defense described in division (F) (2) of section 2925.11 of the 106  
Revised Code, the bulk amount of the controlled substance for 107  
purposes of a violation of section 2925.11 of the Revised Code 108  
is the amount specified in division (D) (1), (2), (3), (4), or 109  
(5) of this section for the other schedule III, IV, or V 110  
controlled substance that is combined with the fentanyl-related 111  
compound. 112

(E) "Unit dose" means an amount or unit of a compound, 113  
mixture, or preparation containing a controlled substance that 114  
is separately identifiable and in a form that indicates that it 115  
is the amount or unit by which the controlled substance is 116  
separately administered to or taken by an individual. 117

(F) "Cultivate" includes planting, watering, fertilizing, 118  
or tilling. 119

(G) "Drug abuse offense" means any of the following: 120

(1) A violation of division (A) of section 2913.02 that 121  
constitutes theft of drugs, or a violation of section 2925.02, 122  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 123  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 124  
or 2925.37 of the Revised Code; 125

(2) A violation of an existing or former law of this or 126  
any other state or of the United States that is substantially 127  
equivalent to any section listed in division (G) (1) of this 128  
section; 129

(3) An offense under an existing or former law of this or 130  
any other state, or of the United States, of which planting, 131  
cultivating, harvesting, processing, making, manufacturing, 132  
producing, shipping, transporting, delivering, acquiring, 133

possessing, storing, distributing, dispensing, selling, inducing 134  
another to use, administering to another, using, or otherwise 135  
dealing with a controlled substance is an element; 136

(4) A conspiracy to commit, attempt to commit, or 137  
complicity in committing or attempting to commit any offense 138  
under division (G) (1), (2), or (3) of this section. 139

(H) "Felony drug abuse offense" means any drug abuse 140  
offense that would constitute a felony under the laws of this 141  
state, any other state, or the United States. 142

(I) "Harmful intoxicant" does not include beer or 143  
intoxicating liquor but means any of the following: 144

(1) Any compound, mixture, preparation, or substance the 145  
gas, fumes, or vapor of which when inhaled can induce 146  
intoxication, excitement, giddiness, irrational behavior, 147  
depression, stupefaction, paralysis, unconsciousness, 148  
asphyxiation, or other harmful physiological effects, and 149  
includes, but is not limited to, any of the following: 150

(a) Any volatile organic solvent, plastic cement, model 151  
cement, fingernail polish remover, lacquer thinner, cleaning 152  
fluid, gasoline, or other preparation containing a volatile 153  
organic solvent; 154

(b) Any aerosol propellant; 155

(c) Any fluorocarbon refrigerant; 156

(d) Any anesthetic gas. 157

(2) Gamma Butyrolactone; 158

(3) 1,4 Butanediol. 159

(J) "Manufacture" means to plant, cultivate, harvest, 160

process, make, prepare, or otherwise engage in any part of the 161  
production of a drug, by propagation, extraction, chemical 162  
synthesis, or compounding, or any combination of the same, and 163  
includes packaging, repackaging, labeling, and other activities 164  
incident to production. 165

(K) "Possess" or "possession" means having control over a 166  
thing or substance, but may not be inferred solely from mere 167  
access to the thing or substance through ownership or occupation 168  
of the premises upon which the thing or substance is found. 169

(L) "Sample drug" means a drug or pharmaceutical 170  
preparation that would be hazardous to health or safety if used 171  
without the supervision of a licensed health professional 172  
authorized to prescribe drugs, or a drug of abuse, and that, at 173  
one time, had been placed in a container plainly marked as a 174  
sample by a manufacturer. 175

(M) "Standard pharmaceutical reference manual" means the 176  
current edition, with cumulative changes if any, of references 177  
that are approved by the state board of pharmacy. 178

(N) "Juvenile" means a person under eighteen years of age. 179

(O) "Counterfeit controlled substance" means any of the 180  
following: 181

(1) Any drug that bears, or whose container or label 182  
bears, a trademark, trade name, or other identifying mark used 183  
without authorization of the owner of rights to that trademark, 184  
trade name, or identifying mark; 185

(2) Any unmarked or unlabeled substance that is 186  
represented to be a controlled substance manufactured, 187  
processed, packed, or distributed by a person other than the 188  
person that manufactured, processed, packed, or distributed it; 189

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.

(R) "School premises" means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or



leased by a board of education of a school, the governing 219  
authority of a community school established under Chapter 3314. 220  
of the Revised Code, or the governing body of a nonpublic school 221  
for which the state board of education prescribes minimum 222  
standards under section 3301.07 of the Revised Code and on which 223  
some of the instruction, extracurricular activities, or training 224  
of the school is conducted, whether or not any instruction, 225  
extracurricular activities, or training provided by the school 226  
is being conducted on the parcel of real property at the time a 227  
criminal offense is committed. 228

(S) "School building" means any building in which any of 229  
the instruction, extracurricular activities, or training 230  
provided by a school is conducted, whether or not any 231  
instruction, extracurricular activities, or training provided by 232  
the school is being conducted in the school building at the time 233  
a criminal offense is committed. 234

(T) "Disciplinary counsel" means the disciplinary counsel 235  
appointed by the board of commissioners on grievances and 236  
discipline of the supreme court under the Rules for the 237  
Government of the Bar of Ohio. 238

(U) "Certified grievance committee" means a duly 239  
constituted and organized committee of the Ohio state bar 240  
association or of one or more local bar associations of the 241  
state of Ohio that complies with the criteria set forth in Rule 242  
V, section 6 of the Rules for the Government of the Bar of Ohio. 243

(V) "Professional license" means any license, permit, 244  
certificate, registration, qualification, admission, temporary 245  
license, temporary permit, temporary certificate, or temporary 246  
registration that is described in divisions (W)(1) to (36) of 247  
this section and that qualifies a person as a professionally 248

licensed person.	249
(W) "Professionally licensed person" means any of the	250
following:	251
(1) A person who has obtained a license as a manufacturer	252
of controlled substances or a wholesaler of controlled	253
substances under Chapter 3719. of the Revised Code;	254
(2) A person who has received a certificate or temporary	255
certificate as a certified public accountant or who has	256
registered as a public accountant under Chapter 4701. of the	257
Revised Code and who holds an Ohio permit issued under that	258
chapter;	259
(3) A person who holds a certificate of qualification to	260
practice architecture issued or renewed and registered under	261
Chapter 4703. of the Revised Code;	262
(4) A person who is registered as a landscape architect	263
under Chapter 4703. of the Revised Code or who holds a permit as	264
a landscape architect issued under that chapter;	265
(5) A person licensed under Chapter 4707. of the Revised	266
Code;	267
(6) A person who has been issued a certificate of	268
registration as a registered barber under Chapter 4709. of the	269
Revised Code;	270
(7) A person licensed and regulated to engage in the	271
business of a debt pooling company by a legislative authority,	272
under authority of Chapter 4710. of the Revised Code;	273
(8) A person who has been issued a cosmetologist's	274
license, hair designer's license, manicurist's license,	275
esthetician's license, natural hair stylist's license, advanced	276

cosmetologist's license, advanced hair designer's license,	277
advanced manicurist's license, advanced esthetician's license,	278
advanced natural hair stylist's license, cosmetology	279
instructor's license, hair design instructor's license,	280
manicurist instructor's license, esthetics instructor's license,	281
natural hair style instructor's license, independent	282
contractor's license, or tanning facility permit under Chapter	283
4713. of the Revised Code;	284
(9) A person who has been issued a license to practice	285
dentistry, a general anesthesia permit, a conscious intravenous	286
sedation permit, a limited resident's license, a limited	287
teaching license, a dental hygienist's license, or a dental	288
hygienist's teacher's certificate under Chapter 4715. of the	289
Revised Code;	290
(10) A person who has been issued an embalmer's license, a	291
funeral director's license, a funeral home license, or a	292
crematory license, or who has been registered for an embalmer's	293
or funeral director's apprenticeship under Chapter 4717. of the	294
Revised Code;	295
(11) A person who has been licensed as a registered nurse	296
or practical nurse, or who has been issued a certificate for the	297
practice of nurse-midwifery under Chapter 4723. of the Revised	298
Code;	299
(12) A person who has been licensed to practice optometry	300
or to engage in optical dispensing under Chapter 4725. of the	301
Revised Code;	302
(13) A person licensed to act as a pawnbroker under	303
Chapter 4727. of the Revised Code;	304
(14) A person licensed to act as a precious metals dealer	305

under Chapter 4728. of the Revised Code;	306
(15) A person licensed as a pharmacist, a pharmacy intern,	307
a wholesale distributor of dangerous drugs, or a terminal	308
distributor of dangerous drugs under Chapter 4729. of the	309
Revised Code;	310
(16) A person who is authorized to practice as a physician	311
assistant under Chapter 4730. of the Revised Code;	312
(17) A person who has been issued a certificate to	313
practice medicine and surgery, osteopathic medicine and surgery,	314
a limited branch of medicine, or podiatry under Chapter 4731. of	315
the Revised Code;	316
(18) A person licensed as a psychologist or school	317
psychologist under Chapter 4732. of the Revised Code;	318
(19) A person registered to practice the profession of	319
engineering or surveying under Chapter 4733. of the Revised	320
Code;	321
(20) A person who has been issued a license to practice	322
chiropractic under Chapter 4734. of the Revised Code;	323
(21) A person licensed to act as a real estate broker or	324
real estate salesperson under Chapter 4735. of the Revised Code;	325
(22) A person registered as a registered sanitarian under	326
Chapter 4736. of the Revised Code;	327
(23) A person licensed to operate or maintain a junkyard	328
under Chapter 4737. of the Revised Code;	329
(24) A person who has been issued a motor vehicle salvage	330
dealer's license under Chapter 4738. of the Revised Code;	331
(25) A person who has been licensed to act as a steam	332

engineer under Chapter 4739. of the Revised Code;	333
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	334 335 336 337
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	338 339 340
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	341 342 343
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	344 345 346
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	347 348 349
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	350 351 352
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	353 354 355 356 357 358
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	359 360

(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;

(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.

(X) "Cocaine" means any of the following:

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;

(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;

(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

(Y) "L.S.D." means lysergic acid diethylamide.

(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means either of the following:

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;

(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public

accommodation, business, amusement, or resort. 417

(II) "Methamphetamine" means methamphetamine, any salt, 418  
isomer, or salt of an isomer of methamphetamine, or any 419  
compound, mixture, preparation, or substance containing 420  
methamphetamine or any salt, isomer, or salt of an isomer of 421  
methamphetamine. 422

(JJ) "Lawful prescription" means a prescription that is 423  
issued for a legitimate medical purpose by a licensed health 424  
professional authorized to prescribe drugs, that is not altered 425  
or forged, and that was not obtained by means of deception or by 426  
the commission of any theft offense. 427

(KK) "Deception" and "theft offense" have the same 428  
meanings as in section 2913.01 of the Revised Code. 429

(LL) "Fentanyl-related compound" means any of the 430  
following: 431

(1) Fentanyl; 432

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 433  
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2- 434  
phenylethyl)-4-(N-propanilido) piperidine); 435

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 436  
thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide); 437

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 438  
piperidinyl]-N- phenylpropanamide); 439

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 440  
hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- 441  
phenylpropanamide); 442

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 443



<u>piperidyl]-N- phenylpropanamide);</u>	444
<u>(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-</u>	445
<u>(thienyl)ethyl]-4-piperidinyl]-N- phenylpropanamide);</u>	446
<u>(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-</u>	447
<u>phenethyl)-4-piperidinyl]propanamide;</u>	448
<u>(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-</u>	449
<u>piperidinyl]-propanamide;</u>	450
<u>(10) Alfentanil;</u>	451
<u>(11) Carfentanil;</u>	452
<u>(12) Remifentanil;</u>	453
<u>(13) Sufentanil;</u>	454
<u>(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-</u>	455
<u>phenethyl)-4-piperidinyl]-N-phenylacetamide); and</u>	456
<u>(15) A schedule I narcotic-opiate that meets the fentanyl</u>	457
<u>pharmacophore requirements specified in division (A) (56) of</u>	458
<u>section 3719.41 of the Revised Code, including acetylfentanyl,</u>	459
<u>furanylfentanyl, valerylfentanyl, butyrylfentanyl,</u>	460
<u>isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-</u>	461
<u>fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl.</u>	462
<b>Sec. 2925.02.</b> (A) No person shall knowingly do any of the	463
following:	464
(1) By force, threat, or deception, administer to another	465
or induce or cause another to use a controlled substance;	466
(2) By any means, administer or furnish to another or	467
induce or cause another to use a controlled substance with	468
purpose to cause serious physical harm to the other person, or	469
with purpose to cause the other person to become drug dependent;	470

(3) By any means, administer or furnish to another or 471  
induce or cause another to use a controlled substance, and 472  
thereby cause serious physical harm to the other person, or 473  
cause the other person to become drug dependent; 474

(4) By any means, do any of the following: 475

(a) Furnish or administer a controlled substance to a 476  
juvenile who is at least two years the offender's junior, when 477  
the offender knows the age of the juvenile or is reckless in 478  
that regard; 479

(b) Induce or cause a juvenile who is at least two years 480  
the offender's junior to use a controlled substance, when the 481  
offender knows the age of the juvenile or is reckless in that 482  
regard; 483

(c) Induce or cause a juvenile who is at least two years 484  
the offender's junior to commit a felony drug abuse offense, 485  
when the offender knows the age of the juvenile or is reckless 486  
in that regard; 487

(d) Use a juvenile, whether or not the offender knows the 488  
age of the juvenile, to perform any surveillance activity that 489  
is intended to prevent the detection of the offender or any 490  
other person in the commission of a felony drug abuse offense or 491  
to prevent the arrest of the offender or any other person for 492  
the commission of a felony drug abuse offense. 493

(5) By any means, furnish or administer a controlled 494  
substance to a pregnant woman or induce or cause a pregnant 495  
woman to use a controlled substance, when the offender knows 496  
that the woman is pregnant or is reckless in that regard. 497

(B) Division (A) (1), (3), (4), or (5) of this section does 498  
not apply to manufacturers, wholesalers, licensed health 499

professionals authorized to prescribe drugs, pharmacists, owners 500  
of pharmacies, and other persons whose conduct is in accordance 501  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 502  
4741. of the Revised Code. 503

(C) Whoever violates this section is guilty of corrupting 504  
another with drugs. The penalty for the offense shall be 505  
determined as follows: 506

(1) If the offense is a violation of division (A) (1), (2), 507  
(3), or (4) of this section and the drug involved is any 508  
compound, mixture, preparation, or substance included in 509  
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 510  
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 511  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 512  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 513  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 514  
offender shall be punished as follows: 515

(a) Except as otherwise provided in division (C) (1) (b) of 516  
this section, corrupting another with drugs committed in those 517  
circumstances is a felony of the second degree and, subject to 518  
division (E) of this section, the court shall impose as a 519  
mandatory prison term one of the prison terms prescribed for a 520  
felony of the second degree. 521

(b) If the offense was committed in the vicinity of a 522  
school, corrupting another with drugs committed in those 523  
circumstances is a felony of the first degree, and, subject to 524  
division (E) of this section, the court shall impose as a 525  
mandatory prison term one of the prison terms prescribed for a 526  
felony of the first degree. 527

(2) If the offense is a violation of division (A) (1), (2), 528

(3), or (4) of this section and the drug involved is any 529  
compound, mixture, preparation, or substance included in 530  
schedule III, IV, or V, the offender shall be punished as 531  
follows: 532

(a) Except as otherwise provided in division (C) (2) (b) of 533  
this section, corrupting another with drugs committed in those 534  
circumstances is a felony of the second degree and there is a 535  
presumption for a prison term for the offense. 536

(b) If the offense was committed in the vicinity of a 537  
school, corrupting another with drugs committed in those 538  
circumstances is a felony of the second degree and the court 539  
shall impose as a mandatory prison term one of the prison terms 540  
prescribed for a felony of the second degree. 541

(3) If the offense is a violation of division (A) (1), (2), 542  
(3), or (4) of this section and the drug involved is marihuana, 543  
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 544  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 545  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 546  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 547  
offender shall be punished as follows: 548

(a) Except as otherwise provided in division (C) (3) (b) of 549  
this section, corrupting another with drugs committed in those 550  
circumstances is a felony of the fourth degree and division (C) 551  
of section 2929.13 of the Revised Code applies in determining 552  
whether to impose a prison term on the offender. 553

(b) If the offense was committed in the vicinity of a 554  
school, corrupting another with drugs committed in those 555  
circumstances is a felony of the third degree and division (C) 556  
of section 2929.13 of the Revised Code applies in determining 557

whether to impose a prison term on the offender. 558

(4) If the offense is a violation of division (A) (5) of 559  
this section and the drug involved is any compound, mixture, 560  
preparation, or substance included in schedule I or II, with the 561  
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 562  
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 563  
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 564  
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 565  
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 566  
felony of the first degree and, subject to division (E) of this 567  
section, the court shall impose as a mandatory prison term one 568  
of the prison terms prescribed for a felony of the first degree. 569

(5) If the offense is a violation of division (A) (5) of 570  
this section and the drug involved is any compound, mixture, 571  
preparation, or substance included in schedule III, IV, or V, 572  
corrupting another with drugs is a felony of the second degree 573  
and the court shall impose as a mandatory prison term one of the 574  
prison terms prescribed for a felony of the second degree. 575

(6) If the offense is a violation of division (A) (5) of 576  
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 577  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 578  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 579  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 580  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 581  
corrupting another with drugs is a felony of the third degree 582  
and division (C) of section 2929.13 of the Revised Code applies 583  
in determining whether to impose a prison term on the offender. 584

(D) In addition to any prison term authorized or required 585  
by division (C) or (E) of this section and sections 2929.13 and 586  
2929.14 of the Revised Code and in addition to any other 587

sanction imposed for the offense under this section or sections 588  
2929.11 to 2929.18 of the Revised Code, the court that sentences 589  
an offender who is convicted of or pleads guilty to a violation 590  
of division (A) of this section may suspend for not more than 591  
five years the offender's driver's or commercial driver's 592  
license or permit. However, if the offender pleaded guilty to or 593  
was convicted of a violation of section 4511.19 of the Revised 594  
Code or a substantially similar municipal ordinance or the law 595  
of another state or the United States arising out of the same 596  
set of circumstances as the violation, the court shall suspend 597  
the offender's driver's or commercial driver's license or permit 598  
for not more than five years. The court also shall do all of the 599  
following that are applicable regarding the offender: 600

(1) (a) If the violation is a felony of the first, second, 601  
or third degree, the court shall impose upon the offender the 602  
mandatory fine specified for the offense under division (B) (1) 603  
of section 2929.18 of the Revised Code unless, as specified in 604  
that division, the court determines that the offender is 605  
indigent. 606

(b) Notwithstanding any contrary provision of section 607  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 608  
to division (D) (1) (a) of this section and any fine imposed for a 609  
violation of this section pursuant to division (A) of section 610  
2929.18 of the Revised Code shall be paid by the clerk of the 611  
court in accordance with and subject to the requirements of, and 612  
shall be used as specified in, division (F) of section 2925.03 613  
of the Revised Code. 614

(c) If a person is charged with any violation of this 615  
section that is a felony of the first, second, or third degree, 616  
posts bail, and forfeits the bail, the forfeited bail shall be 617

paid by the clerk of the court pursuant to division (D) (1) (b) of 618  
this section as if it were a fine imposed for a violation of 619  
this section. 620

(2) If the offender is a professionally licensed person, 621  
in addition to any other sanction imposed for a violation of 622  
this section, the court immediately shall comply with section 623  
2925.38 of the Revised Code. 624

(E) Notwithstanding the prison term otherwise authorized 625  
or required for the offense under division (C) of this section 626  
and sections 2929.13 and 2929.14 of the Revised Code, if the 627  
violation of division (A) of this section involves the sale, 628  
offer to sell, or possession of a schedule I or II controlled 629  
substance, with the exception of marihuana, 1-Pentyl-3-(1- 630  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 631  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 632  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 633  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 634  
if the court imposing sentence upon the offender finds that the 635  
offender as a result of the violation is a major drug offender 636  
and is guilty of a specification of the type described in 637  
division (A) of section 2941.1410 of the Revised Code, the 638  
court, in lieu of the prison term that otherwise is authorized 639  
or required, shall impose upon the offender the mandatory prison 640  
term specified in division (B) (3) (a) of section 2929.14 of the 641  
Revised Code. 642

(F) (1) If the sentencing court suspends the offender's 643  
driver's or commercial driver's license or permit under division 644  
(D) of this section, the offender, at any time after the 645  
expiration of two years from the day on which the offender's 646  
sentence was imposed or from the day on which the offender 647

finally was released from a prison term under the sentence, 648  
whichever is later, may file a motion with the sentencing court 649  
requesting termination of the suspension. Upon the filing of the 650  
motion and the court's finding of good cause for the 651  
determination, the court may terminate the suspension. 652

(2) Any offender who received a mandatory suspension of 653  
the offender's driver's or commercial driver's license or permit 654  
under this section prior to ~~the effective date of this amendment~~ 655  
September 13, 2016, may file a motion with the sentencing court 656  
requesting the termination of the suspension. However, an 657  
offender who pleaded guilty to or was convicted of a violation 658  
of section 4511.19 of the Revised Code or a substantially 659  
similar municipal ordinance or law of another state or the 660  
United States that arose out of the same set of circumstances as 661  
the violation for which the offender's license or permit was 662  
suspended under this section shall not file such a motion. 663

Upon the filing of a motion under division (F) (2) of this 664  
section, the sentencing court, in its discretion, may terminate 665  
the suspension. 666

**Sec. 2925.03.** (A) No person shall knowingly do any of the 667  
following: 668

(1) Sell or offer to sell a controlled substance or a 669  
controlled substance analog; 670

(2) Prepare for shipment, ship, transport, deliver, 671  
prepare for distribution, or distribute a controlled substance 672  
or a controlled substance analog, when the offender knows or has 673  
reasonable cause to believe that the controlled substance or a 674  
controlled substance analog is intended for sale or resale by 675  
the offender or another person. 676



(B) This section does not apply to any of the following: 677

(1) Manufacturers, licensed health professionals 678  
authorized to prescribe drugs, pharmacists, owners of 679  
pharmacies, and other persons whose conduct is in accordance 680  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 681  
4741. of the Revised Code; 682

(2) If the offense involves an anabolic steroid, any 683  
person who is conducting or participating in a research project 684  
involving the use of an anabolic steroid if the project has been 685  
approved by the United States food and drug administration; 686

(3) Any person who sells, offers for sale, prescribes, 687  
dispenses, or administers for livestock or other nonhuman 688  
species an anabolic steroid that is expressly intended for 689  
administration through implants to livestock or other nonhuman 690  
species and approved for that purpose under the "Federal Food, 691  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 692  
as amended, and is sold, offered for sale, prescribed, 693  
dispensed, or administered for that purpose in accordance with 694  
that act. 695

(C) Whoever violates division (A) of this section is 696  
guilty of one of the following: 697

(1) If the drug involved in the violation is any compound, 698  
mixture, preparation, or substance included in schedule I or 699  
schedule II, with the exception of marihuana, cocaine, L.S.D., 700  
heroin, any fentanyl-related compound, hashish, and any 701  
controlled substance—~~analog~~ analog, whoever violates division 702  
(A) of this section is guilty of aggravated trafficking in 703  
drugs. The penalty for the offense shall be determined as 704  
follows: 705

(a) Except as otherwise provided in division (C) (1) (b), 706  
(c), (d), (e), or (f) of this section, aggravated trafficking in 707  
drugs is a felony of the fourth degree, and division (C) of 708  
section 2929.13 of the Revised Code applies in determining 709  
whether to impose a prison term on the offender. 710

(b) Except as otherwise provided in division (C) (1) (c), 711  
(d), (e), or (f) of this section, if the offense was committed 712  
in the vicinity of a school or in the vicinity of a juvenile, 713  
aggravated trafficking in drugs is a felony of the third degree, 714  
and division (C) of section 2929.13 of the Revised Code applies 715  
in determining whether to impose a prison term on the offender. 716

(c) Except as otherwise provided in this division, if the 717  
amount of the drug involved equals or exceeds the bulk amount 718  
but is less than five times the bulk amount, aggravated 719  
trafficking in drugs is a felony of the third degree, and, 720  
except as otherwise provided in this division, there is a 721  
presumption for a prison term for the offense. If aggravated 722  
trafficking in drugs is a felony of the third degree under this 723  
division and if the offender two or more times previously has 724  
been convicted of or pleaded guilty to a felony drug abuse 725  
offense, the court shall impose as a mandatory prison term one 726  
of the prison terms prescribed for a felony of the third degree. 727  
If the amount of the drug involved is within that range and if 728  
the offense was committed in the vicinity of a school or in the 729  
vicinity of a juvenile, aggravated trafficking in drugs is a 730  
felony of the second degree, and the court shall impose as a 731  
mandatory prison term one of the prison terms prescribed for a 732  
felony of the second degree. 733

(d) Except as otherwise provided in this division, if the 734  
amount of the drug involved equals or exceeds five times the 735

bulk amount but is less than fifty times the bulk amount, 736  
aggravated trafficking in drugs is a felony of the second 737  
degree, and the court shall impose as a mandatory prison term 738  
one of the prison terms prescribed for a felony of the second 739  
degree. If the amount of the drug involved is within that range 740  
and if the offense was committed in the vicinity of a school or 741  
in the vicinity of a juvenile, aggravated trafficking in drugs 742  
is a felony of the first degree, and the court shall impose as a 743  
mandatory prison term one of the prison terms prescribed for a 744  
felony of the first degree. 745

(e) If the amount of the drug involved equals or exceeds 746  
fifty times the bulk amount but is less than one hundred times 747  
the bulk amount and regardless of whether the offense was 748  
committed in the vicinity of a school or in the vicinity of a 749  
juvenile, aggravated trafficking in drugs is a felony of the 750  
first degree, and the court shall impose as a mandatory prison 751  
term one of the prison terms prescribed for a felony of the 752  
first degree. 753

(f) If the amount of the drug involved equals or exceeds 754  
one hundred times the bulk amount and regardless of whether the 755  
offense was committed in the vicinity of a school or in the 756  
vicinity of a juvenile, aggravated trafficking in drugs is a 757  
felony of the first degree, the offender is a major drug 758  
offender, and the court shall impose as a mandatory prison term 759  
the maximum prison term prescribed for a felony of the first 760  
degree. 761

(2) If the drug involved in the violation is any compound, 762  
mixture, preparation, or substance included in schedule III, IV, 763  
or V, whoever violates division (A) of this section is guilty of 764  
trafficking in drugs. The penalty for the offense shall be 765

determined as follows: 766

(a) Except as otherwise provided in division (C) (2) (b), 767  
(c), (d), or (e) of this section, trafficking in drugs is a 768  
felony of the fifth degree, and division (B) of section 2929.13 769  
of the Revised Code applies in determining whether to impose a 770  
prison term on the offender. 771

(b) Except as otherwise provided in division (C) (2) (c), 772  
(d), or (e) of this section, if the offense was committed in the 773  
vicinity of a school or in the vicinity of a juvenile, 774  
trafficking in drugs is a felony of the fourth degree, and 775  
division (C) of section 2929.13 of the Revised Code applies in 776  
determining whether to impose a prison term on the offender. 777

(c) Except as otherwise provided in this division, if the 778  
amount of the drug involved equals or exceeds the bulk amount 779  
but is less than five times the bulk amount, trafficking in 780  
drugs is a felony of the fourth degree, and division (B) of 781  
section 2929.13 of the Revised Code applies in determining 782  
whether to impose a prison term for the offense. If the amount 783  
of the drug involved is within that range and if the offense was 784  
committed in the vicinity of a school or in the vicinity of a 785  
juvenile, trafficking in drugs is a felony of the third degree, 786  
and there is a presumption for a prison term for the offense. 787

(d) Except as otherwise provided in this division, if the 788  
amount of the drug involved equals or exceeds five times the 789  
bulk amount but is less than fifty times the bulk amount, 790  
trafficking in drugs is a felony of the third degree, and there 791  
is a presumption for a prison term for the offense. If the 792  
amount of the drug involved is within that range and if the 793  
offense was committed in the vicinity of a school or in the 794  
vicinity of a juvenile, trafficking in drugs is a felony of the 795

second degree, and there is a presumption for a prison term for 796  
the offense. 797

(e) Except as otherwise provided in this division, if the 798  
amount of the drug involved equals or exceeds fifty times the 799  
bulk amount, trafficking in drugs is a felony of the second 800  
degree, and the court shall impose as a mandatory prison term 801  
one of the prison terms prescribed for a felony of the second 802  
degree. If the amount of the drug involved equals or exceeds 803  
fifty times the bulk amount and if the offense was committed in 804  
the vicinity of a school or in the vicinity of a juvenile, 805  
trafficking in drugs is a felony of the first degree, and the 806  
court shall impose as a mandatory prison term one of the prison 807  
terms prescribed for a felony of the first degree. 808

(3) If the drug involved in the violation is marihuana or 809  
a compound, mixture, preparation, or substance containing 810  
marihuana other than hashish, whoever violates division (A) of 811  
this section is guilty of trafficking in marihuana. The penalty 812  
for the offense shall be determined as follows: 813

(a) Except as otherwise provided in division (C) (3) (b), 814  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 815  
marihuana is a felony of the fifth degree, and division (B) of 816  
section 2929.13 of the Revised Code applies in determining 817  
whether to impose a prison term on the offender. 818

(b) Except as otherwise provided in division (C) (3) (c), 819  
(d), (e), (f), (g), or (h) of this section, if the offense was 820  
committed in the vicinity of a school or in the vicinity of a 821  
juvenile, trafficking in marihuana is a felony of the fourth 822  
degree, and division (B) of section 2929.13 of the Revised Code 823  
applies in determining whether to impose a prison term on the 824  
offender. 825

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, trafficking in marihuana is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, trafficking in marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term

shall be imposed for the offense. 857

(f) Except as otherwise provided in this division, if the 858  
amount of the drug involved equals or exceeds twenty thousand 859  
grams but is less than forty thousand grams, trafficking in 860  
marihuana is a felony of the second degree, and the court shall 861  
impose a mandatory prison term of five, six, seven, or eight 862  
years. If the amount of the drug involved is within that range 863  
and if the offense was committed in the vicinity of a school or 864  
in the vicinity of a juvenile, trafficking in marihuana is a 865  
felony of the first degree, and the court shall impose as a 866  
mandatory prison term the maximum prison term prescribed for a 867  
felony of the first degree. 868

(g) Except as otherwise provided in this division, if the 869  
amount of the drug involved equals or exceeds forty thousand 870  
grams, trafficking in marihuana is a felony of the second 871  
degree, and the court shall impose as a mandatory prison term 872  
the maximum prison term prescribed for a felony of the second 873  
degree. If the amount of the drug involved equals or exceeds 874  
forty thousand grams and if the offense was committed in the 875  
vicinity of a school or in the vicinity of a juvenile, 876  
trafficking in marihuana is a felony of the first degree, and 877  
the court shall impose as a mandatory prison term the maximum 878  
prison term prescribed for a felony of the first degree. 879

(h) Except as otherwise provided in this division, if the 880  
offense involves a gift of twenty grams or less of marihuana, 881  
trafficking in marihuana is a minor misdemeanor upon a first 882  
offense and a misdemeanor of the third degree upon a subsequent 883  
offense. If the offense involves a gift of twenty grams or less 884  
of marihuana and if the offense was committed in the vicinity of 885  
a school or in the vicinity of a juvenile, trafficking in 886

marihuana is a misdemeanor of the third degree. 887

(4) If the drug involved in the violation is cocaine or a 888  
compound, mixture, preparation, or substance containing cocaine, 889  
whoever violates division (A) of this section is guilty of 890  
trafficking in cocaine. The penalty for the offense shall be 891  
determined as follows: 892

(a) Except as otherwise provided in division (C) (4) (b), 893  
(c), (d), (e), (f), or (g) of this section, trafficking in 894  
cocaine is a felony of the fifth degree, and division (B) of 895  
section 2929.13 of the Revised Code applies in determining 896  
whether to impose a prison term on the offender. 897

(b) Except as otherwise provided in division (C) (4) (c), 898  
(d), (e), (f), or (g) of this section, if the offense was 899  
committed in the vicinity of a school or in the vicinity of a 900  
juvenile, trafficking in cocaine is a felony of the fourth 901  
degree, and division (C) of section 2929.13 of the Revised Code 902  
applies in determining whether to impose a prison term on the 903  
offender. 904

(c) Except as otherwise provided in this division, if the 905  
amount of the drug involved equals or exceeds five grams but is 906  
less than ten grams of cocaine, trafficking in cocaine is a 907  
felony of the fourth degree, and division (B) of section 2929.13 908  
of the Revised Code applies in determining whether to impose a 909  
prison term for the offense. If the amount of the drug involved 910  
is within that range and if the offense was committed in the 911  
vicinity of a school or in the vicinity of a juvenile, 912  
trafficking in cocaine is a felony of the third degree, and 913  
there is a presumption for a prison term for the offense. 914

(d) Except as otherwise provided in this division, if the 915



amount of the drug involved equals or exceeds ten grams but is 916  
less than twenty grams of cocaine, trafficking in cocaine is a 917  
felony of the third degree, and, except as otherwise provided in 918  
this division, there is a presumption for a prison term for the 919  
offense. If trafficking in cocaine is a felony of the third 920  
degree under this division and if the offender two or more times 921  
previously has been convicted of or pleaded guilty to a felony 922  
drug abuse offense, the court shall impose as a mandatory prison 923  
term one of the prison terms prescribed for a felony of the 924  
third degree. If the amount of the drug involved is within that 925  
range and if the offense was committed in the vicinity of a 926  
school or in the vicinity of a juvenile, trafficking in cocaine 927  
is a felony of the second degree, and the court shall impose as 928  
a mandatory prison term one of the prison terms prescribed for a 929  
felony of the second degree. 930

(e) Except as otherwise provided in this division, if the 931  
amount of the drug involved equals or exceeds twenty grams but 932  
is less than twenty-seven grams of cocaine, trafficking in 933  
cocaine is a felony of the second degree, and the court shall 934  
impose as a mandatory prison term one of the prison terms 935  
prescribed for a felony of the second degree. If the amount of 936  
the drug involved is within that range and if the offense was 937  
committed in the vicinity of a school or in the vicinity of a 938  
juvenile, trafficking in cocaine is a felony of the first 939  
degree, and the court shall impose as a mandatory prison term 940  
one of the prison terms prescribed for a felony of the first 941  
degree. 942

(f) If the amount of the drug involved equals or exceeds 943  
twenty-seven grams but is less than one hundred grams of cocaine 944  
and regardless of whether the offense was committed in the 945  
vicinity of a school or in the vicinity of a juvenile, 946

trafficking in cocaine is a felony of the first degree, and the 947  
court shall impose as a mandatory prison term one of the prison 948  
terms prescribed for a felony of the first degree. 949

(g) If the amount of the drug involved equals or exceeds 950  
one hundred grams of cocaine and regardless of whether the 951  
offense was committed in the vicinity of a school or in the 952  
vicinity of a juvenile, trafficking in cocaine is a felony of 953  
the first degree, the offender is a major drug offender, and the 954  
court shall impose as a mandatory prison term the maximum prison 955  
term prescribed for a felony of the first degree. 956

(5) If the drug involved in the violation is L.S.D. or a 957  
compound, mixture, preparation, or substance containing L.S.D., 958  
whoever violates division (A) of this section is guilty of 959  
trafficking in L.S.D. The penalty for the offense shall be 960  
determined as follows: 961

(a) Except as otherwise provided in division (C) (5) (b), 962  
(c), (d), (e), (f), or (g) of this section, trafficking in 963  
L.S.D. is a felony of the fifth degree, and division (B) of 964  
section 2929.13 of the Revised Code applies in determining 965  
whether to impose a prison term on the offender. 966

(b) Except as otherwise provided in division (C) (5) (c), 967  
(d), (e), (f), or (g) of this section, if the offense was 968  
committed in the vicinity of a school or in the vicinity of a 969  
juvenile, trafficking in L.S.D. is a felony of the fourth 970  
degree, and division (C) of section 2929.13 of the Revised Code 971  
applies in determining whether to impose a prison term on the 972  
offender. 973

(c) Except as otherwise provided in this division, if the 974  
amount of the drug involved equals or exceeds ten unit doses but 975

is less than fifty unit doses of L.S.D. in a solid form or 976  
equals or exceeds one gram but is less than five grams of L.S.D. 977  
in a liquid concentrate, liquid extract, or liquid distillate 978  
form, trafficking in L.S.D. is a felony of the fourth degree, 979  
and division (B) of section 2929.13 of the Revised Code applies 980  
in determining whether to impose a prison term for the offense. 981  
If the amount of the drug involved is within that range and if 982  
the offense was committed in the vicinity of a school or in the 983  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 984  
third degree, and there is a presumption for a prison term for 985  
the offense. 986

(d) Except as otherwise provided in this division, if the 987  
amount of the drug involved equals or exceeds fifty unit doses 988  
but is less than two hundred fifty unit doses of L.S.D. in a 989  
solid form or equals or exceeds five grams but is less than 990  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 991  
extract, or liquid distillate form, trafficking in L.S.D. is a 992  
felony of the third degree, and, except as otherwise provided in 993  
this division, there is a presumption for a prison term for the 994  
offense. If trafficking in L.S.D. is a felony of the third 995  
degree under this division and if the offender two or more times 996  
previously has been convicted of or pleaded guilty to a felony 997  
drug abuse offense, the court shall impose as a mandatory prison 998  
term one of the prison terms prescribed for a felony of the 999  
third degree. If the amount of the drug involved is within that 1000  
range and if the offense was committed in the vicinity of a 1001  
school or in the vicinity of a juvenile, trafficking in L.S.D. 1002  
is a felony of the second degree, and the court shall impose as 1003  
a mandatory prison term one of the prison terms prescribed for a 1004  
felony of the second degree. 1005

(e) Except as otherwise provided in this division, if the 1006

amount of the drug involved equals or exceeds two hundred fifty 1007  
unit doses but is less than one thousand unit doses of L.S.D. in 1008  
a solid form or equals or exceeds twenty-five grams but is less 1009  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1010  
extract, or liquid distillate form, trafficking in L.S.D. is a 1011  
felony of the second degree, and the court shall impose as a 1012  
mandatory prison term one of the prison terms prescribed for a 1013  
felony of the second degree. If the amount of the drug involved 1014  
is within that range and if the offense was committed in the 1015  
vicinity of a school or in the vicinity of a juvenile, 1016  
trafficking in L.S.D. is a felony of the first degree, and the 1017  
court shall impose as a mandatory prison term one of the prison 1018  
terms prescribed for a felony of the first degree. 1019

(f) If the amount of the drug involved equals or exceeds 1020  
one thousand unit doses but is less than five thousand unit 1021  
doses of L.S.D. in a solid form or equals or exceeds one hundred 1022  
grams but is less than five hundred grams of L.S.D. in a liquid 1023  
concentrate, liquid extract, or liquid distillate form and 1024  
regardless of whether the offense was committed in the vicinity 1025  
of a school or in the vicinity of a juvenile, trafficking in 1026  
L.S.D. is a felony of the first degree, and the court shall 1027  
impose as a mandatory prison term one of the prison terms 1028  
prescribed for a felony of the first degree. 1029

(g) If the amount of the drug involved equals or exceeds 1030  
five thousand unit doses of L.S.D. in a solid form or equals or 1031  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1032  
liquid extract, or liquid distillate form and regardless of 1033  
whether the offense was committed in the vicinity of a school or 1034  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1035  
of the first degree, the offender is a major drug offender, and 1036  
the court shall impose as a mandatory prison term the maximum 1037

prison term prescribed for a felony of the first degree. 1038

(6) If the drug involved in the violation is heroin or a 1039  
compound, mixture, preparation, or substance containing heroin, 1040  
whoever violates division (A) of this section is guilty of 1041  
trafficking in heroin. The penalty for the offense shall be 1042  
determined as follows: 1043

(a) Except as otherwise provided in division (C) (6) (b), 1044  
(c), (d), (e), (f), or (g) of this section, trafficking in 1045  
heroin is a felony of the fifth degree, and division (B) of 1046  
section 2929.13 of the Revised Code applies in determining 1047  
whether to impose a prison term on the offender. 1048

(b) Except as otherwise provided in division (C) (6) (c), 1049  
(d), (e), (f), or (g) of this section, if the offense was 1050  
committed in the vicinity of a school or in the vicinity of a 1051  
juvenile, trafficking in heroin is a felony of the fourth 1052  
degree, and division (C) of section 2929.13 of the Revised Code 1053  
applies in determining whether to impose a prison term on the 1054  
offender. 1055

(c) Except as otherwise provided in this division, if the 1056  
amount of the drug involved equals or exceeds ten unit doses but 1057  
is less than fifty unit doses or equals or exceeds one gram but 1058  
is less than five grams, trafficking in heroin is a felony of 1059  
the fourth degree, and division (B) of section 2929.13 of the 1060  
Revised Code applies in determining whether to impose a prison 1061  
term for the offense. If the amount of the drug involved is 1062  
within that range and if the offense was committed in the 1063  
vicinity of a school or in the vicinity of a juvenile, 1064  
trafficking in heroin is a felony of the third degree, and there 1065  
is a presumption for a prison term for the offense. 1066

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds 1097  
one thousand unit doses or equals or exceeds one hundred grams 1098  
and regardless of whether the offense was committed in the 1099  
vicinity of a school or in the vicinity of a juvenile, 1100  
trafficking in heroin is a felony of the first degree, the 1101  
offender is a major drug offender, and the court shall impose as 1102  
a mandatory prison term the maximum prison term prescribed for a 1103  
felony of the first degree. 1104

(7) If the drug involved in the violation is hashish or a 1105  
compound, mixture, preparation, or substance containing hashish, 1106  
whoever violates division (A) of this section is guilty of 1107  
trafficking in hashish. The penalty for the offense shall be 1108  
determined as follows: 1109

(a) Except as otherwise provided in division (C) (7) (b), 1110  
(c), (d), (e), (f), or (g) of this section, trafficking in 1111  
hashish is a felony of the fifth degree, and division (B) of 1112  
section 2929.13 of the Revised Code applies in determining 1113  
whether to impose a prison term on the offender. 1114

(b) Except as otherwise provided in division (C) (7) (c), 1115  
(d), (e), (f), or (g) of this section, if the offense was 1116  
committed in the vicinity of a school or in the vicinity of a 1117  
juvenile, trafficking in hashish is a felony of the fourth 1118  
degree, and division (B) of section 2929.13 of the Revised Code 1119  
applies in determining whether to impose a prison term on the 1120  
offender. 1121

(c) Except as otherwise provided in this division, if the 1122  
amount of the drug involved equals or exceeds ten grams but is 1123  
less than fifty grams of hashish in a solid form or equals or 1124  
exceeds two grams but is less than ten grams of hashish in a 1125  
liquid concentrate, liquid extract, or liquid distillate form, 1126

trafficking in hashish is a felony of the fourth degree, and 1127  
division (B) of section 2929.13 of the Revised Code applies in 1128  
determining whether to impose a prison term on the offender. If 1129  
the amount of the drug involved is within that range and if the 1130  
offense was committed in the vicinity of a school or in the 1131  
vicinity of a juvenile, trafficking in hashish is a felony of 1132  
the third degree, and division (C) of section 2929.13 of the 1133  
Revised Code applies in determining whether to impose a prison 1134  
term on the offender. 1135

(d) Except as otherwise provided in this division, if the 1136  
amount of the drug involved equals or exceeds fifty grams but is 1137  
less than two hundred fifty grams of hashish in a solid form or 1138  
equals or exceeds ten grams but is less than fifty grams of 1139  
hashish in a liquid concentrate, liquid extract, or liquid 1140  
distillate form, trafficking in hashish is a felony of the third 1141  
degree, and division (C) of section 2929.13 of the Revised Code 1142  
applies in determining whether to impose a prison term on the 1143  
offender. If the amount of the drug involved is within that 1144  
range and if the offense was committed in the vicinity of a 1145  
school or in the vicinity of a juvenile, trafficking in hashish 1146  
is a felony of the second degree, and there is a presumption 1147  
that a prison term shall be imposed for the offense. 1148

(e) Except as otherwise provided in this division, if the 1149  
amount of the drug involved equals or exceeds two hundred fifty 1150  
grams but is less than one thousand grams of hashish in a solid 1151  
form or equals or exceeds fifty grams but is less than two 1152  
hundred grams of hashish in a liquid concentrate, liquid 1153  
extract, or liquid distillate form, trafficking in hashish is a 1154  
felony of the third degree, and there is a presumption that a 1155  
prison term shall be imposed for the offense. If the amount of 1156  
the drug involved is within that range and if the offense was 1157



committed in the vicinity of a school or in the vicinity of a 1158  
juvenile, trafficking in hashish is a felony of the second 1159  
degree, and there is a presumption that a prison term shall be 1160  
imposed for the offense. 1161

(f) Except as otherwise provided in this division, if the 1162  
amount of the drug involved equals or exceeds one thousand grams 1163  
but is less than two thousand grams of hashish in a solid form 1164  
or equals or exceeds two hundred grams but is less than four 1165  
hundred grams of hashish in a liquid concentrate, liquid 1166  
extract, or liquid distillate form, trafficking in hashish is a 1167  
felony of the second degree, and the court shall impose a 1168  
mandatory prison term of five, six, seven, or eight years. If 1169  
the amount of the drug involved is within that range and if the 1170  
offense was committed in the vicinity of a school or in the 1171  
vicinity of a juvenile, trafficking in hashish is a felony of 1172  
the first degree, and the court shall impose as a mandatory 1173  
prison term the maximum prison term prescribed for a felony of 1174  
the first degree. 1175

(g) Except as otherwise provided in this division, if the 1176  
amount of the drug involved equals or exceeds two thousand grams 1177  
of hashish in a solid form or equals or exceeds four hundred 1178  
grams of hashish in a liquid concentrate, liquid extract, or 1179  
liquid distillate form, trafficking in hashish is a felony of 1180  
the second degree, and the court shall impose as a mandatory 1181  
prison term the maximum prison term prescribed for a felony of 1182  
the second degree. If the amount of the drug involved equals or 1183  
exceeds two thousand grams of hashish in a solid form or equals 1184  
or exceeds four hundred grams of hashish in a liquid 1185  
concentrate, liquid extract, or liquid distillate form and if 1186  
the offense was committed in the vicinity of a school or in the 1187  
vicinity of a juvenile, trafficking in hashish is a felony of 1188

the first degree, and the court shall impose as a mandatory 1189  
prison term the maximum prison term prescribed for a felony of 1190  
the first degree. 1191

(8) If the drug involved in the violation is a controlled 1192  
substance analog or compound, mixture, preparation, or substance 1193  
that contains a controlled substance analog, whoever violates 1194  
division (A) of this section is guilty of trafficking in a 1195  
controlled substance analog. The penalty for the offense shall 1196  
be determined as follows: 1197

(a) Except as otherwise provided in division (C) (8) (b), 1198  
(c), (d), (e), (f), or (g) of this section, trafficking in a 1199  
controlled substance analog is a felony of the fifth degree, and 1200  
division (C) of section 2929.13 of the Revised Code applies in 1201  
determining whether to impose a prison term on the offender. 1202

(b) Except as otherwise provided in division (C) (8) (c), 1203  
(d), (e), (f), or (g) of this section, if the offense was 1204  
committed in the vicinity of a school or in the vicinity of a 1205  
juvenile, trafficking in a controlled substance analog is a 1206  
felony of the fourth degree, and division (C) of section 2929.13 1207  
of the Revised Code applies in determining whether to impose a 1208  
prison term on the offender. 1209

(c) Except as otherwise provided in this division, if the 1210  
amount of the drug involved equals or exceeds ten grams but is 1211  
less than twenty grams, trafficking in a controlled substance 1212  
analog is a felony of the fourth degree, and division (B) of 1213  
section 2929.13 of the Revised Code applies in determining 1214  
whether to impose a prison term for the offense. If the amount 1215  
of the drug involved is within that range and if the offense was 1216  
committed in the vicinity of a school or in the vicinity of a 1217  
juvenile, trafficking in a controlled substance analog is a 1218

felony of the third degree, and there is a presumption for a 1219  
prison term for the offense. 1220

(d) Except as otherwise provided in this division, if the 1221  
amount of the drug involved equals or exceeds twenty grams but 1222  
is less than thirty grams, trafficking in a controlled substance 1223  
analog is a felony of the third degree, and there is a 1224  
presumption for a prison term for the offense. If the amount of 1225  
the drug involved is within that range and if the offense was 1226  
committed in the vicinity of a school or in the vicinity of a 1227  
juvenile, trafficking in a controlled substance analog is a 1228  
felony of the second degree, and there is a presumption for a 1229  
prison term for the offense. 1230

(e) Except as otherwise provided in this division, if the 1231  
amount of the drug involved equals or exceeds thirty grams but 1232  
is less than forty grams, trafficking in a controlled substance 1233  
analog is a felony of the second degree, and the court shall 1234  
impose as a mandatory prison term one of the prison terms 1235  
prescribed for a felony of the second degree. If the amount of 1236  
the drug involved is within that range and if the offense was 1237  
committed in the vicinity of a school or in the vicinity of a 1238  
juvenile, trafficking in a controlled substance analog is a 1239  
felony of the first degree, and the court shall impose as a 1240  
mandatory prison term one of the prison terms prescribed for a 1241  
felony of the first degree. 1242

(f) If the amount of the drug involved equals or exceeds 1243  
forty grams but is less than fifty grams and regardless of 1244  
whether the offense was committed in the vicinity of a school or 1245  
in the vicinity of a juvenile, trafficking in a controlled 1246  
substance analog is a felony of the first degree, and the court 1247  
shall impose as a mandatory prison term one of the prison terms 1248

prescribed for a felony of the first degree. 1249

(g) If the amount of the drug involved equals or exceeds 1250  
fifty grams and regardless of whether the offense was committed 1251  
in the vicinity of a school or in the vicinity of a juvenile, 1252  
trafficking in a controlled substance analog is a felony of the 1253  
first degree, the offender is a major drug offender, and the 1254  
court shall impose as a mandatory prison term the maximum prison 1255  
term prescribed for a felony of the first degree. 1256

(9) If the drug involved in the violation is a fentanyl- 1257  
related compound or a compound, mixture, preparation, or 1258  
substance containing a fentanyl-related compound and division 1259  
(C) (10) (a) of this section does not apply to the drug involved, 1260  
whoever violates division (A) of this section is guilty of 1261  
trafficking in a fentanyl-related compound. The penalty for the 1262  
offense shall be determined as follows: 1263

(a) Except as otherwise provided in division (C) (9) (b), 1264  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1265  
a fentanyl-related compound is a felony of the fifth degree, and 1266  
division (B) of section 2929.13 of the Revised Code applies in 1267  
determining whether to impose a prison term on the offender. 1268

(b) Except as otherwise provided in division (C) (9) (c), 1269  
(d), (e), (f), (g), or (h) of this section, if the offense was 1270  
committed in the vicinity of a school or in the vicinity of a 1271  
juvenile, trafficking in a fentanyl-related compound is a felony 1272  
of the fourth degree, and division (C) of section 2929.13 of the 1273  
Revised Code applies in determining whether to impose a prison 1274  
term on the offender. 1275

(c) Except as otherwise provided in this division, if the 1276  
amount of the drug involved equals or exceeds ten unit doses but 1277

is less than fifty unit doses or equals or exceeds one gram but 1278  
is less than five grams, trafficking in a fentanyl-related 1279  
compound is a felony of the fourth degree, and division (B) of 1280  
section 2929.13 of the Revised Code applies in determining 1281  
whether to impose a prison term for the offense. If the amount 1282  
of the drug involved is within that range and if the offense was 1283  
committed in the vicinity of a school or in the vicinity of a 1284  
juvenile, trafficking in a fentanyl-related compound is a felony 1285  
of the third degree, and there is a presumption for a prison 1286  
term for the offense. 1287

(d) Except as otherwise provided in this division, if the 1288  
amount of the drug involved equals or exceeds fifty unit doses 1289  
but is less than one hundred unit doses or equals or exceeds 1290  
five grams but is less than ten grams, trafficking in a 1291  
fentanyl-related compound is a felony of the third degree, and 1292  
there is a presumption for a prison term for the offense. If the 1293  
amount of the drug involved is within that range and if the 1294  
offense was committed in the vicinity of a school or in the 1295  
vicinity of a juvenile, trafficking in a fentanyl-related 1296  
compound is a felony of the second degree, and there is a 1297  
presumption for a prison term for the offense. 1298

(e) Except as otherwise provided in this division, if the 1299  
amount of the drug involved equals or exceeds one hundred unit 1300  
doses but is less than two hundred unit doses or equals or 1301  
exceeds ten grams but is less than twenty grams, trafficking in 1302  
a fentanyl-related compound is a felony of the second degree, 1303  
and the court shall impose as a mandatory prison term one of the 1304  
prison terms prescribed for a felony of the second degree. If 1305  
the amount of the drug involved is within that range and if the 1306  
offense was committed in the vicinity of a school or in the 1307  
vicinity of a juvenile, trafficking in a fentanyl-related 1308

compound is a felony of the first degree, and the court shall 1309  
impose as a mandatory prison term one of the prison terms 1310  
prescribed for a felony of the first degree. 1311

(f) If the amount of the drug involved equals or exceeds 1312  
two hundred unit doses but is less than five hundred unit doses 1313  
or equals or exceeds twenty grams but is less than fifty grams 1314  
and regardless of whether the offense was committed in the 1315  
vicinity of a school or in the vicinity of a juvenile, 1316  
trafficking in a fentanyl-related compound is a felony of the 1317  
first degree, and the court shall impose as a mandatory prison 1318  
term one of the prison terms prescribed for a felony of the 1319  
first degree. 1320

(g) If the amount of the drug involved equals or exceeds 1321  
five hundred unit doses but is less than one thousand unit doses 1322  
or equals or exceeds fifty grams but is less than one hundred 1323  
grams and regardless of whether the offense was committed in the 1324  
vicinity of a school or in the vicinity of a juvenile, 1325  
trafficking in a fentanyl-related compound is a felony of the 1326  
first degree, and the court shall impose as a mandatory prison 1327  
term the maximum prison term prescribed for a felony of the 1328  
first degree. 1329

(h) If the amount of the drug involved equals or exceeds 1330  
one thousand unit doses or equals or exceeds one hundred grams 1331  
and regardless of whether the offense was committed in the 1332  
vicinity of a school or in the vicinity of a juvenile, 1333  
trafficking in a fentanyl-related compound is a felony of the 1334  
first degree, the offender is a major drug offender, and the 1335  
court shall impose as a mandatory prison term the maximum prison 1336  
term prescribed for a felony of the first degree. 1337

(10) If the drug involved in the violation is a compound, 1338

mixture, preparation, or substance that is a combination of a 1339  
fentanyl-related compound and marihuana, one of the following 1340  
applies: 1341

(a) Except as otherwise provided in division (C)(10)(b) of 1342  
this section, the offender is guilty of trafficking in marihuana 1343  
and shall be punished under division (C)(3) of this section. The 1344  
offender is not guilty of trafficking in a fentanyl-related 1345  
compound and shall not be charged with, convicted of, or 1346  
punished under division (C)(9) of this section for trafficking 1347  
in a fentanyl-related compound. 1348

(b) If the offender knows or has reason to know that the 1349  
compound, mixture, preparation, or substance that is the drug 1350  
involved contains a fentanyl-related compound, the offender is 1351  
guilty of trafficking in a fentanyl-related compound and shall 1352  
be punished under division (C)(9) of this section. 1353

(D) In addition to any prison term authorized or required 1354  
by division (C) of this section and sections 2929.13 and 2929.14 1355  
of the Revised Code, and in addition to any other sanction 1356  
imposed for the offense under this section or sections 2929.11 1357  
to 2929.18 of the Revised Code, the court that sentences an 1358  
offender who is convicted of or pleads guilty to a violation of 1359  
division (A) of this section may suspend the driver's or 1360  
commercial driver's license or permit of the offender in 1361  
accordance with division (G) of this section. However, if the 1362  
offender pleaded guilty to or was convicted of a violation of 1363  
section 4511.19 of the Revised Code or a substantially similar 1364  
municipal ordinance or the law of another state or the United 1365  
States arising out of the same set of circumstances as the 1366  
violation, the court shall suspend the offender's driver's or 1367  
commercial driver's license or permit in accordance with 1368

division (G) of this section. If applicable, the court also 1369  
shall do the following: 1370

(1) If the violation of division (A) of this section is a 1371  
felony of the first, second, or third degree, the court shall 1372  
impose upon the offender the mandatory fine specified for the 1373  
offense under division (B) (1) of section 2929.18 of the Revised 1374  
Code unless, as specified in that division, the court determines 1375  
that the offender is indigent. Except as otherwise provided in 1376  
division (H) (1) of this section, a mandatory fine or any other 1377  
fine imposed for a violation of this section is subject to 1378  
division (F) of this section. If a person is charged with a 1379  
violation of this section that is a felony of the first, second, 1380  
or third degree, posts bail, and forfeits the bail, the clerk of 1381  
the court shall pay the forfeited bail pursuant to divisions (D) 1382  
(1) and (F) of this section, as if the forfeited bail was a fine 1383  
imposed for a violation of this section. If any amount of the 1384  
forfeited bail remains after that payment and if a fine is 1385  
imposed under division (H) (1) of this section, the clerk of the 1386  
court shall pay the remaining amount of the forfeited bail 1387  
pursuant to divisions (H) (2) and (3) of this section, as if that 1388  
remaining amount was a fine imposed under division (H) (1) of 1389  
this section. 1390

(2) If the offender is a professionally licensed person, 1391  
the court immediately shall comply with section 2925.38 of the 1392  
Revised Code. 1393

(E) When a person is charged with the sale of or offer to 1394  
sell a bulk amount or a multiple of a bulk amount of a 1395  
controlled substance, the jury, or the court trying the accused, 1396  
shall determine the amount of the controlled substance involved 1397  
at the time of the offense and, if a guilty verdict is returned, 1398



shall return the findings as part of the verdict. In any such 1399  
case, it is unnecessary to find and return the exact amount of 1400  
the controlled substance involved, and it is sufficient if the 1401  
finding and return is to the effect that the amount of the 1402  
controlled substance involved is the requisite amount, or that 1403  
the amount of the controlled substance involved is less than the 1404  
requisite amount. 1405

(F) (1) Notwithstanding any contrary provision of section 1406  
3719.21 of the Revised Code and except as provided in division 1407  
(H) of this section, the clerk of the court shall pay any 1408  
mandatory fine imposed pursuant to division (D) (1) of this 1409  
section and any fine other than a mandatory fine that is imposed 1410  
for a violation of this section pursuant to division (A) or (B) 1411  
(5) of section 2929.18 of the Revised Code to the county, 1412  
township, municipal corporation, park district, as created 1413  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1414  
state law enforcement agencies in this state that primarily were 1415  
responsible for or involved in making the arrest of, and in 1416  
prosecuting, the offender. However, the clerk shall not pay a 1417  
mandatory fine so imposed to a law enforcement agency unless the 1418  
agency has adopted a written internal control policy under 1419  
division (F) (2) of this section that addresses the use of the 1420  
fine moneys that it receives. Each agency shall use the 1421  
mandatory fines so paid to subsidize the agency's law 1422  
enforcement efforts that pertain to drug offenses, in accordance 1423  
with the written internal control policy adopted by the 1424  
recipient agency under division (F) (2) of this section. 1425

(2) Prior to receiving any fine moneys under division (F) 1426  
(1) of this section or division (B) of section 2925.42 of the 1427  
Revised Code, a law enforcement agency shall adopt a written 1428  
internal control policy that addresses the agency's use and 1429

disposition of all fine moneys so received and that provides for 1430  
the keeping of detailed financial records of the receipts of 1431  
those fine moneys, the general types of expenditures made out of 1432  
those fine moneys, and the specific amount of each general type 1433  
of expenditure. The policy shall not provide for or permit the 1434  
identification of any specific expenditure that is made in an 1435  
ongoing investigation. All financial records of the receipts of 1436  
those fine moneys, the general types of expenditures made out of 1437  
those fine moneys, and the specific amount of each general type 1438  
of expenditure by an agency are public records open for 1439  
inspection under section 149.43 of the Revised Code. 1440  
Additionally, a written internal control policy adopted under 1441  
this division is such a public record, and the agency that 1442  
adopted it shall comply with it. 1443

(3) As used in division (F) of this section: 1444

(a) "Law enforcement agencies" includes, but is not 1445  
limited to, the state board of pharmacy and the office of a 1446  
prosecutor. 1447

(b) "Prosecutor" has the same meaning as in section 1448  
2935.01 of the Revised Code. 1449

(G) (1) If the sentencing court suspends the offender's 1450  
driver's or commercial driver's license or permit under division 1451  
(D) of this section or any other provision of this chapter, the 1452  
court shall suspend the license, by order, for not more than 1453  
five years. If an offender's driver's or commercial driver's 1454  
license or permit is suspended pursuant to this division, the 1455  
offender, at any time after the expiration of two years from the 1456  
day on which the offender's sentence was imposed or from the day 1457  
on which the offender finally was released from a prison term 1458  
under the sentence, whichever is later, may file a motion with 1459

the sentencing court requesting termination of the suspension; 1460  
upon the filing of such a motion and the court's finding of good 1461  
cause for the termination, the court may terminate the 1462  
suspension. 1463

(2) Any offender who received a mandatory suspension of 1464  
the offender's driver's or commercial driver's license or permit 1465  
under this section prior to ~~the effective date of this amendment~~ 1466  
September 13, 2016, may file a motion with the sentencing court 1467  
requesting the termination of the suspension. However, an 1468  
offender who pleaded guilty to or was convicted of a violation 1469  
of section 4511.19 of the Revised Code or a substantially 1470  
similar municipal ordinance or law of another state or the 1471  
United States that arose out of the same set of circumstances as 1472  
the violation for which the offender's license or permit was 1473  
suspended under this section shall not file such a motion. 1474

Upon the filing of a motion under division (G) (2) of this 1475  
section, the sentencing court, in its discretion, may terminate 1476  
the suspension. 1477

(H) (1) In addition to any prison term authorized or 1478  
required by division (C) of this section and sections 2929.13 1479  
and 2929.14 of the Revised Code, in addition to any other 1480  
penalty or sanction imposed for the offense under this section 1481  
or sections 2929.11 to 2929.18 of the Revised Code, and in 1482  
addition to the forfeiture of property in connection with the 1483  
offense as prescribed in Chapter 2981. of the Revised Code, the 1484  
court that sentences an offender who is convicted of or pleads 1485  
guilty to a violation of division (A) of this section may impose 1486  
upon the offender an additional fine specified for the offense 1487  
in division (B) (4) of section 2929.18 of the Revised Code. A 1488  
fine imposed under division (H) (1) of this section is not 1489

subject to division (F) of this section and shall be used solely 1490  
for the support of one or more eligible community addiction 1491  
services providers in accordance with divisions (H) (2) and (3) 1492  
of this section. 1493

(2) The court that imposes a fine under division (H) (1) of 1494  
this section shall specify in the judgment that imposes the fine 1495  
one or more eligible community addiction services providers for 1496  
the support of which the fine money is to be used. No community 1497  
addiction services provider shall receive or use money paid or 1498  
collected in satisfaction of a fine imposed under division (H) 1499  
(1) of this section unless the services provider is specified in 1500  
the judgment that imposes the fine. No community addiction 1501  
services provider shall be specified in the judgment unless the 1502  
services provider is an eligible community addiction services 1503  
provider and, except as otherwise provided in division (H) (2) of 1504  
this section, unless the services provider is located in the 1505  
county in which the court that imposes the fine is located or in 1506  
a county that is immediately contiguous to the county in which 1507  
that court is located. If no eligible community addiction 1508  
services provider is located in any of those counties, the 1509  
judgment may specify an eligible community addiction services 1510  
provider that is located anywhere within this state. 1511

(3) Notwithstanding any contrary provision of section 1512  
3719.21 of the Revised Code, the clerk of the court shall pay 1513  
any fine imposed under division (H) (1) of this section to the 1514  
eligible community addiction services provider specified 1515  
pursuant to division (H) (2) of this section in the judgment. The 1516  
eligible community addiction services provider that receives the 1517  
fine moneys shall use the moneys only for the alcohol and drug 1518  
addiction services identified in the application for 1519  
certification of services under section 5119.36 of the Revised 1520

Code or in the application for a license under section 5119.391 1521  
of the Revised Code filed with the department of mental health 1522  
and addiction services by the community addiction services 1523  
provider specified in the judgment. 1524

(4) Each community addiction services provider that 1525  
receives in a calendar year any fine moneys under division (H) 1526  
(3) of this section shall file an annual report covering that 1527  
calendar year with the court of common pleas and the board of 1528  
county commissioners of the county in which the services 1529  
provider is located, with the court of common pleas and the 1530  
board of county commissioners of each county from which the 1531  
services provider received the moneys if that county is 1532  
different from the county in which the services provider is 1533  
located, and with the attorney general. The community addiction 1534  
services provider shall file the report no later than the first 1535  
day of March in the calendar year following the calendar year in 1536  
which the services provider received the fine moneys. The report 1537  
shall include statistics on the number of persons served by the 1538  
community addiction services provider, identify the types of 1539  
alcohol and drug addiction services provided to those persons, 1540  
and include a specific accounting of the purposes for which the 1541  
fine moneys received were used. No information contained in the 1542  
report shall identify, or enable a person to determine the 1543  
identity of, any person served by the community addiction 1544  
services provider. Each report received by a court of common 1545  
pleas, a board of county commissioners, or the attorney general 1546  
is a public record open for inspection under section 149.43 of 1547  
the Revised Code. 1548

(5) As used in divisions (H) (1) to (5) of this section: 1549

(a) "Community addiction services provider" and "alcohol 1550

and drug addiction services" have the same meanings as in 1551  
section 5119.01 of the Revised Code. 1552

(b) "Eligible community addiction services provider" means 1553  
a community addiction services provider, as defined in section 1554  
5119.01 of the Revised Code, or a community addiction services 1555  
provider that maintains a methadone treatment program licensed 1556  
under section 5119.391 of the Revised Code. 1557

(I) As used in this section, "drug" includes any substance 1558  
that is represented to be a drug. 1559

(J) It is an affirmative defense to a charge of 1560  
trafficking in a controlled substance analog under division (C) 1561  
(8) of this section that the person charged with violating that 1562  
offense sold or offered to sell, or prepared for shipment, 1563  
shipped, transported, delivered, prepared for distribution, or 1564  
distributed an item described in division (HH) (2) (a), (b), or 1565  
(c) of section 3719.01 of the Revised Code. 1566

**Sec. 2925.04.** (A) No person shall knowingly cultivate 1567  
marihuana or knowingly manufacture or otherwise engage in any 1568  
part of the production of a controlled substance. 1569

(B) This section does not apply to any person listed in 1570  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1571  
Code to the extent and under the circumstances described in 1572  
those divisions. 1573

(C) (1) Whoever commits a violation of division (A) of this 1574  
section that involves any drug other than marihuana is guilty of 1575  
illegal manufacture of drugs, and whoever commits a violation of 1576  
division (A) of this section that involves marihuana is guilty 1577  
of illegal cultivation of marihuana. 1578

(2) Except as otherwise provided in this division, if the 1579

drug involved in the violation of division (A) of this section 1580  
is any compound, mixture, preparation, or substance included in 1581  
schedule I or II, with the exception of methamphetamine or 1582  
marihuana, illegal manufacture of drugs is a felony of the 1583  
second degree, and, subject to division (E) of this section, the 1584  
court shall impose as a mandatory prison term one of the prison 1585  
terms prescribed for a felony of the second degree. 1586

If the drug involved in the violation is any compound, 1587  
mixture, preparation, or substance included in schedule I or II, 1588  
with the exception of methamphetamine or marihuana, and if the 1589  
offense was committed in the vicinity of a juvenile or in the 1590  
vicinity of a school, illegal manufacture of drugs is a felony 1591  
of the first degree, and, subject to division (E) of this 1592  
section, the court shall impose as a mandatory prison term one 1593  
of the prison terms prescribed for a felony of the first degree. 1594

(3) If the drug involved in the violation of division (A) 1595  
of this section is methamphetamine, the penalty for the 1596  
violation shall be determined as follows: 1597

(a) Except as otherwise provided in division (C) (3) (b) of 1598  
this section, if the drug involved in the violation is 1599  
methamphetamine, illegal manufacture of drugs is a felony of the 1600  
second degree, and, subject to division (E) of this section, the 1601  
court shall impose a mandatory prison term on the offender 1602  
determined in accordance with this division. Except as otherwise 1603  
provided in this division, the court shall impose as a mandatory 1604  
prison term one of the prison terms prescribed for a felony of 1605  
the second degree that is not less than three years. If the 1606  
offender previously has been convicted of or pleaded guilty to a 1607  
violation of division (A) of this section, a violation of 1608  
division (B) (6) of section 2919.22 of the Revised Code, or a 1609

violation of division (A) of section 2925.041 of the Revised Code, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree that is not less than five years.

(b) If the drug involved in the violation is methamphetamine and if the offense was committed in the vicinity of a juvenile, in the vicinity of a school, or on public premises, illegal manufacture of drugs is a felony of the first degree, and, subject to division (E) of this section, the court shall impose a mandatory prison term on the offender determined in accordance with this division. Except as otherwise provided in this division, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree that is not less than four years. If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of this section, a violation of division (B)(6) of section 2919.22 of the Revised Code, or a violation of division (A) of section 2925.041 of the Revised Code, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree that is not less than five years.

(4) If the drug involved in the violation of division (A) of this section is any compound, mixture, preparation, or substance included in schedule III, IV, or V, illegal manufacture of drugs is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and there is a presumption for a prison term for the offense.

(5) If the drug involved in the violation is marihuana, the penalty for the offense shall be determined as follows:



(a) Except as otherwise provided in division (C) (5) (b), 1640  
(c), (d), (e), or (f) of this section, illegal cultivation of 1641  
marihuana is a minor misdemeanor or, if the offense was 1642  
committed in the vicinity of a school or in the vicinity of a 1643  
juvenile, a misdemeanor of the fourth degree. 1644

(b) If the amount of marihuana involved equals or exceeds 1645  
one hundred grams but is less than two hundred grams, illegal 1646  
cultivation of marihuana is a misdemeanor of the fourth degree 1647  
or, if the offense was committed in the vicinity of a school or 1648  
in the vicinity of a juvenile, a misdemeanor of the third 1649  
degree. 1650

(c) If the amount of marihuana involved equals or exceeds 1651  
two hundred grams but is less than one thousand grams, illegal 1652  
cultivation of marihuana is a felony of the fifth degree or, if 1653  
the offense was committed in the vicinity of a school or in the 1654  
vicinity of a juvenile, a felony of the fourth degree, and 1655  
division (B) of section 2929.13 of the Revised Code applies in 1656  
determining whether to impose a prison term on the offender. 1657

(d) If the amount of marihuana involved equals or exceeds 1658  
one thousand grams but is less than five thousand grams, illegal 1659  
cultivation of marihuana is a felony of the third degree or, if 1660  
the offense was committed in the vicinity of a school or in the 1661  
vicinity of a juvenile, a felony of the second degree, and 1662  
division (C) of section 2929.13 of the Revised Code applies in 1663  
determining whether to impose a prison term on the offender. 1664

(e) If the amount of marihuana involved equals or exceeds 1665  
five thousand grams but is less than twenty thousand grams, 1666  
illegal cultivation of marihuana is a felony of the third degree 1667  
or, if the offense was committed in the vicinity of a school or 1668  
in the vicinity of a juvenile, a felony of the second degree, 1669

and there is a presumption for a prison term for the offense. 1670

(f) Except as otherwise provided in this division, if the 1671  
amount of marihuana involved equals or exceeds twenty thousand 1672  
grams, illegal cultivation of marihuana is a felony of the 1673  
second degree, and the court shall impose as a mandatory prison 1674  
term the maximum prison term prescribed for a felony of the 1675  
second degree. If the amount of the drug involved equals or 1676  
exceeds twenty thousand grams and if the offense was committed 1677  
in the vicinity of a school or in the vicinity of a juvenile, 1678  
illegal cultivation of marihuana is a felony of the first 1679  
degree, and the court shall impose as a mandatory prison term 1680  
the maximum prison term prescribed for a felony of the first 1681  
degree. 1682

(D) In addition to any prison term authorized or required 1683  
by division (C) or (E) of this section and sections 2929.13 and 1684  
2929.14 of the Revised Code and in addition to any other 1685  
sanction imposed for the offense under this section or sections 1686  
2929.11 to 2929.18 of the Revised Code, the court that sentences 1687  
an offender who is convicted of or pleads guilty to a violation 1688  
of division (A) of this section may suspend the offender's 1689  
driver's or commercial driver's license or permit in accordance 1690  
with division (G) of section 2925.03 of the Revised Code. 1691  
However, if the offender pleaded guilty to or was convicted of a 1692  
violation of section 4511.19 of the Revised Code or a 1693  
substantially similar municipal ordinance or the law of another 1694  
state or the United States arising out of the same set of 1695  
circumstances as the violation, the court shall suspend the 1696  
offender's driver's or commercial driver's license or permit in 1697  
accordance with division (G) of section 2925.03 of the Revised 1698  
Code. If applicable, the court also shall do the following: 1699

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. The clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section.

(2) If the offender is a professionally licensed person, the court immediately shall comply with section 2925.38 of the Revised Code.

(E) Notwithstanding the prison term otherwise authorized or required for the offense under division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the violation of division (A) of this section involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in division (A) of section 2941.1410 of the Revised Code, the court, in lieu of the prison term otherwise authorized or required, shall impose upon the offender the mandatory prison term specified in division (B)

(3) of section 2929.14 of the Revised Code. 1731

(F) It is an affirmative defense, as provided in section 1732  
2901.05 of the Revised Code, to a charge under this section for 1733  
a fifth degree felony violation of illegal cultivation of 1734  
marihuana that the marihuana that gave rise to the charge is in 1735  
an amount, is in a form, is prepared, compounded, or mixed with 1736  
substances that are not controlled substances in a manner, or is 1737  
possessed or cultivated under any other circumstances that 1738  
indicate that the marihuana was solely for personal use. 1739

Notwithstanding any contrary provision of division (F) of 1740  
this section, if, in accordance with section 2901.05 of the 1741  
Revised Code, a person who is charged with a violation of 1742  
illegal cultivation of marihuana that is a felony of the fifth 1743  
degree sustains the burden of going forward with evidence of and 1744  
establishes by a preponderance of the evidence the affirmative 1745  
defense described in this division, the person may be prosecuted 1746  
for and may be convicted of or plead guilty to a misdemeanor 1747  
violation of illegal cultivation of marihuana. 1748

(G) Arrest or conviction for a minor misdemeanor violation 1749  
of this section does not constitute a criminal record and need 1750  
not be reported by the person so arrested or convicted in 1751  
response to any inquiries about the person's criminal record, 1752  
including any inquiries contained in an application for 1753  
employment, a license, or any other right or privilege or made 1754  
in connection with the person's appearance as a witness. 1755

(H) (1) If the sentencing court suspends the offender's 1756  
driver's or commercial driver's license or permit under this 1757  
section in accordance with division (G) of section 2925.03 of 1758  
the Revised Code, the offender may request termination of, and 1759  
the court may terminate, the suspension of the offender in 1760

accordance with that division. 1761

(2) Any offender who received a mandatory suspension of 1762  
the offender's driver's or commercial driver's license or permit 1763  
under this section prior to ~~the effective date of this amendment~~ 1764  
September 13, 2016, may file a motion with the sentencing court 1765  
requesting the termination of the suspension. However, an 1766  
offender who pleaded guilty to or was convicted of a violation 1767  
of section 4511.19 of the Revised Code or a substantially 1768  
similar municipal ordinance or law of another state or the 1769  
United States that arose out of the same set of circumstances as 1770  
the violation for which the offender's license or permit was 1771  
suspended under this section shall not file such a motion. 1772

Upon the filing of a motion under division (H) (2) of this 1773  
section, the sentencing court, in its discretion, may terminate 1774  
the suspension. 1775

**Sec. 2925.05.** (A) No person shall knowingly provide money 1776  
or other items of value to another person with the purpose that 1777  
the recipient of the money or items of value use them to obtain 1778  
any controlled substance for the purpose of violating section 1779  
2925.04 of the Revised Code or for the purpose of selling or 1780  
offering to sell the controlled substance in the following 1781  
amount: 1782

(1) If the drug to be sold or offered for sale is any 1783  
compound, mixture, preparation, or substance included in 1784  
schedule I or II, with the exception of marihuana, cocaine, 1785  
L.S.D., heroin, any fentanyl-related compound, and hashish, or 1786  
schedule III, IV, or V, an amount of the drug that equals or 1787  
exceeds the bulk amount of the drug; 1788

(2) If the drug to be sold or offered for sale is 1789

marihuana or a compound, mixture, preparation, or substance 1790  
other than hashish containing marihuana, an amount of the 1791  
marihuana that equals or exceeds two hundred grams; 1792

(3) If the drug to be sold or offered for sale is cocaine 1793  
or a compound, mixture, preparation, or substance containing 1794  
cocaine, an amount of the cocaine that equals or exceeds five 1795  
grams; 1796

(4) If the drug to be sold or offered for sale is L.S.D. 1797  
or a compound, mixture, preparation, or substance containing 1798  
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 1799  
doses if the L.S.D. is in a solid form or equals or exceeds one 1800  
gram if the L.S.D. is in a liquid concentrate, liquid extract, 1801  
or liquid distillate form; 1802

(5) If the drug to be sold or offered for sale is heroin 1803  
or a fentanyl-related compound, or a compound, mixture, 1804  
preparation, or substance containing heroin or a fentanyl- 1805  
related compound, an amount ~~of the heroin~~ that equals or exceeds 1806  
ten unit doses or equals or exceeds one gram; 1807

(6) If the drug to be sold or offered for sale is hashish 1808  
or a compound, mixture, preparation, or substance containing 1809  
hashish, an amount of the hashish that equals or exceeds ten 1810  
grams if the hashish is in a solid form or equals or exceeds two 1811  
grams if the hashish is in a liquid concentrate, liquid extract, 1812  
or liquid distillate form. 1813

(B) This section does not apply to any person listed in 1814  
division (B)(1), (2), or (3) of section 2925.03 of the Revised 1815  
Code to the extent and under the circumstances described in 1816  
those divisions. 1817

(C)(1) If the drug involved in the violation is any 1818

compound, mixture, preparation, or substance included in 1819  
schedule I or II, with the exception of marihuana, whoever 1820  
violates division (A) of this section is guilty of aggravated 1821  
funding of drug trafficking, a felony of the first degree, and, 1822  
subject to division (E) of this section, the court shall impose 1823  
as a mandatory prison term one of the prison terms prescribed 1824  
for a felony of the first degree. 1825

(2) If the drug involved in the violation is any compound, 1826  
mixture, preparation, or substance included in schedule III, IV, 1827  
or V, whoever violates division (A) of this section is guilty of 1828  
funding of drug trafficking, a felony of the second degree, and 1829  
the court shall impose as a mandatory prison term one of the 1830  
prison terms prescribed for a felony of the second degree. 1831

(3) If the drug involved in the violation is marihuana, 1832  
whoever violates division (A) of this section is guilty of 1833  
funding of marihuana trafficking, a felony of the third degree, 1834  
and, except as otherwise provided in this division, there is a 1835  
presumption for a prison term for the offense. If funding of 1836  
marihuana trafficking is a felony of the third degree under this 1837  
division and if the offender two or more times previously has 1838  
been convicted of or pleaded guilty to a felony drug abuse 1839  
offense, the court shall impose as a mandatory prison term one 1840  
of the prison terms prescribed for a felony of the third degree. 1841

(D) In addition to any prison term authorized or required 1842  
by division (C) or (E) of this section and sections 2929.13 and 1843  
2929.14 of the Revised Code and in addition to any other 1844  
sanction imposed for the offense under this section or sections 1845  
2929.11 to 2929.18 of the Revised Code, the court that sentences 1846  
an offender who is convicted of or pleads guilty to a violation 1847  
of division (A) of this section may suspend the offender's 1848

driver's or commercial driver's license or permit in accordance 1849  
with division (G) of section 2925.03 of the Revised Code. 1850  
However, if the offender pleaded guilty to or was convicted of a 1851  
violation of section 4511.19 of the Revised Code or a 1852  
substantially similar municipal ordinance or the law of another 1853  
state or the United States arising out of the same set of 1854  
circumstances as the violation, the court shall suspend the 1855  
offender's driver's or commercial driver's license or permit in 1856  
accordance with division (G) of section 2925.03 of the Revised 1857  
Code. If applicable, the court also shall do the following: 1858

(1) The court shall impose the mandatory fine specified 1859  
for the offense under division (B)(1) of section 2929.18 of the 1860  
Revised Code unless, as specified in that division, the court 1861  
determines that the offender is indigent. The clerk of the court 1862  
shall pay a mandatory fine or other fine imposed for a violation 1863  
of this section pursuant to division (A) of section 2929.18 of 1864  
the Revised Code in accordance with and subject to the 1865  
requirements of division (F) of section 2925.03 of the Revised 1866  
Code. The agency that receives the fine shall use the fine in 1867  
accordance with division (F) of section 2925.03 of the Revised 1868  
Code. If a person is charged with a violation of this section, 1869  
posts bail, and forfeits the bail, the forfeited bail shall be 1870  
paid as if the forfeited bail were a fine imposed for a 1871  
violation of this section. 1872

(2) If the offender is a professionally licensed person, 1873  
the court immediately shall comply with section 2925.38 of the 1874  
Revised Code. 1875

(E) Notwithstanding the prison term otherwise authorized 1876  
or required for the offense under division (C) of this section 1877  
and sections 2929.13 and 2929.14 of the Revised Code, if the 1878



violation of division (A) of this section involves the sale, 1879  
offer to sell, or possession of a schedule I or II controlled 1880  
substance, with the exception of marihuana, ~~and if one of the~~ 1881  
following applies: 1882

(1) If the drug involved in the violation is a fentanyl- 1883  
related compound, the offense is a felony of the first degree, 1884  
the offender is a major drug offender, and the court shall 1885  
impose as a mandatory prison term the maximum prison term 1886  
prescribed for a felony of the first degree. 1887

(2) If division (E)(1) of this section does not apply and 1888  
the court imposing sentence upon the offender finds that the 1889  
offender as a result of the violation is a major drug offender 1890  
and is guilty of a specification of the type described in 1891  
division (A) of section 2941.1410 of the Revised Code, the 1892  
court, in lieu of the prison term otherwise authorized or 1893  
required, shall impose upon the offender the mandatory prison 1894  
term specified in division (B) (3) of section 2929.14 of the 1895  
Revised Code. 1896

(F) (1) If the sentencing court suspends the offender's 1897  
driver's or commercial driver's license or permit under this 1898  
section in accordance with division (G) of section 2925.03 of 1899  
the Revised Code, the offender may request termination of, and 1900  
the court may terminate, the suspension in accordance with that 1901  
division. 1902

(2) Any offender who received a mandatory suspension of 1903  
the offender's driver's or commercial driver's license or permit 1904  
under this section prior to ~~the effective date of this amendment~~ 1905  
September 13, 2016, may file a motion with the sentencing court 1906  
requesting the termination of the suspension. However, an 1907  
offender who pleaded guilty to or was convicted of a violation 1908

of section 4511.19 of the Revised Code or a substantially 1909  
similar municipal ordinance or law of another state or the 1910  
United States that arose out of the same set of circumstances as 1911  
the violation for which the offender's license or permit was 1912  
suspended under this section shall not file such a motion. 1913

Upon the filing of a motion under division (F)(2) of this 1914  
section, the sentencing court, in its discretion, may terminate 1915  
the suspension. 1916

**Sec. 2925.11.** (A) No person shall knowingly obtain, 1917  
possess, or use a controlled substance or a controlled substance 1918  
analog. 1919

(B)(1) This section does not apply to any of the 1920  
following: 1921

(a) Manufacturers, licensed health professionals 1922  
authorized to prescribe drugs, pharmacists, owners of 1923  
pharmacies, and other persons whose conduct was in accordance 1924  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1925  
4741. of the Revised Code; 1926

(b) If the offense involves an anabolic steroid, any 1927  
person who is conducting or participating in a research project 1928  
involving the use of an anabolic steroid if the project has been 1929  
approved by the United States food and drug administration; 1930

(c) Any person who sells, offers for sale, prescribes, 1931  
dispenses, or administers for livestock or other nonhuman 1932  
species an anabolic steroid that is expressly intended for 1933  
administration through implants to livestock or other nonhuman 1934  
species and approved for that purpose under the "Federal Food, 1935  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1936  
as amended, and is sold, offered for sale, prescribed, 1937

dispensed, or administered for that purpose in accordance with	1938
that act;	1939
(d) Any person who obtained the controlled substance	1940
pursuant to a lawful prescription issued by a licensed health	1941
professional authorized to prescribe drugs.	1942
(2) (a) As used in division (B) (2) of this section:	1943
(i) "Community addiction services provider" has the same	1944
meaning as in section 5119.01 of the Revised Code.	1945
(ii) "Community control sanction" and "drug treatment	1946
program" have the same meanings as in section 2929.01 of the	1947
Revised Code.	1948
(iii) "Health care facility" has the same meaning as in	1949
section 2919.16 of the Revised Code.	1950
(iv) "Minor drug possession offense" means a violation of	1951
this section that is a misdemeanor or a felony of the fifth	1952
degree.	1953
(v) "Post-release control sanction" has the same meaning	1954
as in section 2967.28 of the Revised Code.	1955
(vi) "Peace officer" has the same meaning as in section	1956
2935.01 of the Revised Code.	1957
(vii) "Public agency" has the same meaning as in section	1958
2930.01 of the Revised Code.	1959
(viii) "Qualified individual" means a person who is not on	1960
community control or post-release control and is a person acting	1961
in good faith who seeks or obtains medical assistance for	1962
another person who is experiencing a drug overdose, a person who	1963
experiences a drug overdose and who seeks medical assistance for	1964

that overdose, or a person who is the subject of another person 1965  
seeking or obtaining medical assistance for that overdose as 1966  
described in division (B) (2) (b) of this section. 1967

(ix) "Seek or obtain medical assistance" includes, but is 1968  
not limited to making a 9-1-1 call, contacting in person or by 1969  
telephone call an on-duty peace officer, or transporting or 1970  
presenting a person to a health care facility. 1971

(b) Subject to division (B) (2) (f) of this section, a 1972  
qualified individual shall not be arrested, charged, prosecuted, 1973  
convicted, or penalized pursuant to this chapter for a minor 1974  
drug possession offense if all of the following apply: 1975

(i) The evidence of the obtaining, possession, or use of 1976  
the controlled substance or controlled substance analog that 1977  
would be the basis of the offense was obtained as a result of 1978  
the qualified individual seeking the medical assistance or 1979  
experiencing an overdose and needing medical assistance. 1980

(ii) Subject to division (B) (2) (g) of this section, within 1981  
thirty days after seeking or obtaining the medical assistance, 1982  
the qualified individual seeks and obtains a screening and 1983  
receives a referral for treatment from a community addiction 1984  
services provider or a properly credentialed addiction treatment 1985  
professional. 1986

(iii) Subject to division (B) (2) (g) of this section, the 1987  
qualified individual who obtains a screening and receives a 1988  
referral for treatment under division (B) (2) (b) (ii) of this 1989  
section, upon the request of any prosecuting attorney, submits 1990  
documentation to the prosecuting attorney that verifies that the 1991  
qualified individual satisfied the requirements of that 1992  
division. The documentation shall be limited to the date and 1993

time of the screening obtained and referral received. 1994

(c) If a person is found to be in violation of any 1995  
community control sanction and if the violation is a result of 1996  
either of the following, the court shall first consider ordering 1997  
the person's participation or continued participation in a drug 1998  
treatment program or mitigating the penalty specified in section 1999  
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 2000  
applicable, after which the court has the discretion either to 2001  
order the person's participation or continued participation in a 2002  
drug treatment program or to impose the penalty with the 2003  
mitigating factor specified in any of those applicable sections: 2004

(i) Seeking or obtaining medical assistance in good faith 2005  
for another person who is experiencing a drug overdose; 2006

(ii) Experiencing a drug overdose and seeking medical 2007  
assistance for that overdose or being the subject of another 2008  
person seeking or obtaining medical assistance for that overdose 2009  
as described in division (B) (2) (b) of this section. 2010

(d) If a person is found to be in violation of any post- 2011  
release control sanction and if the violation is a result of 2012  
either of the following, the court or the parole board shall 2013  
first consider ordering the person's participation or continued 2014  
participation in a drug treatment program or mitigating the 2015  
penalty specified in section 2929.141 or 2967.28 of the Revised 2016  
Code, whichever is applicable, after which the court or the 2017  
parole board has the discretion either to order the person's 2018  
participation or continued participation in a drug treatment 2019  
program or to impose the penalty with the mitigating factor 2020  
specified in either of those applicable sections: 2021

(i) Seeking or obtaining medical assistance in good faith 2022

for another person who is experiencing a drug overdose;	2023
(ii) Experiencing a drug overdose and seeking medical	2024
assistance for that emergency or being the subject of another	2025
person seeking or obtaining medical assistance for that overdose	2026
as described in division (B) (2) (b) of this section.	2027
(e) Nothing in division (B) (2) (b) of this section shall be	2028
construed to do any of the following:	2029
(i) Limit the admissibility of any evidence in connection	2030
with the investigation or prosecution of a crime with regards to	2031
a defendant who does not qualify for the protections of division	2032
(B) (2) (b) of this section or with regards to any crime other	2033
than a minor drug possession offense committed by a person who	2034
qualifies for protection pursuant to division (B) (2) (b) of this	2035
section for a minor drug possession offense;	2036
(ii) Limit any seizure of evidence or contraband otherwise	2037
permitted by law;	2038
(iii) Limit or abridge the authority of a peace officer to	2039
detain or take into custody a person in the course of an	2040
investigation or to effectuate an arrest for any offense except	2041
as provided in that division;	2042
(iv) Limit, modify, or remove any immunity from liability	2043
available pursuant to law in effect prior to <del>the effective date</del>	2044
<del>of this amendment</del> <u>September 13, 2016,</u> to any public agency or to	2045
an employee of any public agency.	2046
(f) Division (B) (2) (b) of this section does not apply to	2047
any person who twice previously has been granted an immunity	2048
under division (B) (2) (b) of this section. No person shall be	2049
granted an immunity under division (B) (2) (b) of this section	2050
more than two times.	2051

(g) Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States department of health and human services to implement the act or the requirements of 42 C.F.R. Part 2.

(C) Whoever violates division (A) of this section is guilty of one of the following:

(1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, hashish, and any controlled substance analogs analog, whoever violates division (A) of this section is guilty of aggravated possession of drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C) (1) (b), (c), (d), or (e) of this section, aggravated possession of drugs is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated possession of drugs is a felony of the second

degree, and the court shall impose as a mandatory prison term 2081  
one of the prison terms prescribed for a felony of the second 2082  
degree. 2083

(d) If the amount of the drug involved equals or exceeds 2084  
fifty times the bulk amount but is less than one hundred times 2085  
the bulk amount, aggravated possession of drugs is a felony of 2086  
the first degree, and the court shall impose as a mandatory 2087  
prison term one of the prison terms prescribed for a felony of 2088  
the first degree. 2089

(e) If the amount of the drug involved equals or exceeds 2090  
one hundred times the bulk amount, aggravated possession of 2091  
drugs is a felony of the first degree, the offender is a major 2092  
drug offender, and the court shall impose as a mandatory prison 2093  
term the maximum prison term prescribed for a felony of the 2094  
first degree. 2095

(2) If the drug involved in the violation is a compound, 2096  
mixture, preparation, or substance included in schedule III, IV, 2097  
or V, whoever violates division (A) of this section is guilty of 2098  
possession of drugs. The penalty for the offense shall be 2099  
determined as follows: 2100

(a) Except as otherwise provided in division (C) (2) (b), 2101  
(c), or (d) of this section, possession of drugs is a 2102  
misdemeanor of the first degree or, if the offender previously 2103  
has been convicted of a drug abuse offense, a felony of the 2104  
fifth degree. 2105

(b) If the amount of the drug involved equals or exceeds 2106  
the bulk amount but is less than five times the bulk amount, 2107  
possession of drugs is a felony of the fourth degree, and 2108  
division (C) of section 2929.13 of the Revised Code applies in 2109



determining whether to impose a prison term on the offender. 2110

(c) If the amount of the drug involved equals or exceeds 2111  
five times the bulk amount but is less than fifty times the bulk 2112  
amount, possession of drugs is a felony of the third degree, and 2113  
there is a presumption for a prison term for the offense. 2114

(d) If the amount of the drug involved equals or exceeds 2115  
fifty times the bulk amount, possession of drugs is a felony of 2116  
the second degree, and the court shall impose upon the offender 2117  
as a mandatory prison term one of the prison terms prescribed 2118  
for a felony of the second degree. 2119

(3) If the drug involved in the violation is marihuana or 2120  
a compound, mixture, preparation, or substance containing 2121  
marihuana other than hashish, whoever violates division (A) of 2122  
this section is guilty of possession of marihuana. The penalty 2123  
for the offense shall be determined as follows: 2124

(a) Except as otherwise provided in division (C) (3) (b), 2125  
(c), (d), (e), (f), or (g) of this section, possession of 2126  
marihuana is a minor misdemeanor. 2127

(b) If the amount of the drug involved equals or exceeds 2128  
one hundred grams but is less than two hundred grams, possession 2129  
of marihuana is a misdemeanor of the fourth degree. 2130

(c) If the amount of the drug involved equals or exceeds 2131  
two hundred grams but is less than one thousand grams, 2132  
possession of marihuana is a felony of the fifth degree, and 2133  
division (B) of section 2929.13 of the Revised Code applies in 2134  
determining whether to impose a prison term on the offender. 2135

(d) If the amount of the drug involved equals or exceeds 2136  
one thousand grams but is less than five thousand grams, 2137  
possession of marihuana is a felony of the third degree, and 2138

division (C) of section 2929.13 of the Revised Code applies in 2139  
determining whether to impose a prison term on the offender. 2140

(e) If the amount of the drug involved equals or exceeds 2141  
five thousand grams but is less than twenty thousand grams, 2142  
possession of marihuana is a felony of the third degree, and 2143  
there is a presumption that a prison term shall be imposed for 2144  
the offense. 2145

(f) If the amount of the drug involved equals or exceeds 2146  
twenty thousand grams but is less than forty thousand grams, 2147  
possession of marihuana is a felony of the second degree, and 2148  
the court shall impose a mandatory prison term of five, six, 2149  
seven, or eight years. 2150

(g) If the amount of the drug involved equals or exceeds 2151  
forty thousand grams, possession of marihuana is a felony of the 2152  
second degree, and the court shall impose as a mandatory prison 2153  
term the maximum prison term prescribed for a felony of the 2154  
second degree. 2155

(4) If the drug involved in the violation is cocaine or a 2156  
compound, mixture, preparation, or substance containing cocaine, 2157  
whoever violates division (A) of this section is guilty of 2158  
possession of cocaine. The penalty for the offense shall be 2159  
determined as follows: 2160

(a) Except as otherwise provided in division (C) (4) (b), 2161  
(c), (d), (e), or (f) of this section, possession of cocaine is 2162  
a felony of the fifth degree, and division (B) of section 2163  
2929.13 of the Revised Code applies in determining whether to 2164  
impose a prison term on the offender. 2165

(b) If the amount of the drug involved equals or exceeds 2166  
five grams but is less than ten grams of cocaine, possession of 2167

cocaine is a felony of the fourth degree, and division (B) of 2168  
section 2929.13 of the Revised Code applies in determining 2169  
whether to impose a prison term on the offender. 2170

(c) If the amount of the drug involved equals or exceeds 2171  
ten grams but is less than twenty grams of cocaine, possession 2172  
of cocaine is a felony of the third degree, and, except as 2173  
otherwise provided in this division, there is a presumption for 2174  
a prison term for the offense. If possession of cocaine is a 2175  
felony of the third degree under this division and if the 2176  
offender two or more times previously has been convicted of or 2177  
pleaded guilty to a felony drug abuse offense, the court shall 2178  
impose as a mandatory prison term one of the prison terms 2179  
prescribed for a felony of the third degree. 2180

(d) If the amount of the drug involved equals or exceeds 2181  
twenty grams but is less than twenty-seven grams of cocaine, 2182  
possession of cocaine is a felony of the second degree, and the 2183  
court shall impose as a mandatory prison term one of the prison 2184  
terms prescribed for a felony of the second degree. 2185

(e) If the amount of the drug involved equals or exceeds 2186  
twenty-seven grams but is less than one hundred grams of 2187  
cocaine, possession of cocaine is a felony of the first degree, 2188  
and the court shall impose as a mandatory prison term one of the 2189  
prison terms prescribed for a felony of the first degree. 2190

(f) If the amount of the drug involved equals or exceeds 2191  
one hundred grams of cocaine, possession of cocaine is a felony 2192  
of the first degree, the offender is a major drug offender, and 2193  
the court shall impose as a mandatory prison term the maximum 2194  
prison term prescribed for a felony of the first degree. 2195

(5) If the drug involved in the violation is L.S.D., 2196

whoever violates division (A) of this section is guilty of 2197  
possession of L.S.D. The penalty for the offense shall be 2198  
determined as follows: 2199

(a) Except as otherwise provided in division (C) (5) (b), 2200  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2201  
felony of the fifth degree, and division (B) of section 2929.13 2202  
of the Revised Code applies in determining whether to impose a 2203  
prison term on the offender. 2204

(b) If the amount of L.S.D. involved equals or exceeds ten 2205  
unit doses but is less than fifty unit doses of L.S.D. in a 2206  
solid form or equals or exceeds one gram but is less than five 2207  
grams of L.S.D. in a liquid concentrate, liquid extract, or 2208  
liquid distillate form, possession of L.S.D. is a felony of the 2209  
fourth degree, and division (C) of section 2929.13 of the 2210  
Revised Code applies in determining whether to impose a prison 2211  
term on the offender. 2212

(c) If the amount of L.S.D. involved equals or exceeds 2213  
fifty unit doses, but is less than two hundred fifty unit doses 2214  
of L.S.D. in a solid form or equals or exceeds five grams but is 2215  
less than twenty-five grams of L.S.D. in a liquid concentrate, 2216  
liquid extract, or liquid distillate form, possession of L.S.D. 2217  
is a felony of the third degree, and there is a presumption for 2218  
a prison term for the offense. 2219

(d) If the amount of L.S.D. involved equals or exceeds two 2220  
hundred fifty unit doses but is less than one thousand unit 2221  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2222  
grams but is less than one hundred grams of L.S.D. in a liquid 2223  
concentrate, liquid extract, or liquid distillate form, 2224  
possession of L.S.D. is a felony of the second degree, and the 2225  
court shall impose as a mandatory prison term one of the prison 2226

terms prescribed for a felony of the second degree. 2227

(e) If the amount of L.S.D. involved equals or exceeds one 2228  
thousand unit doses but is less than five thousand unit doses of 2229  
L.S.D. in a solid form or equals or exceeds one hundred grams 2230  
but is less than five hundred grams of L.S.D. in a liquid 2231  
concentrate, liquid extract, or liquid distillate form, 2232  
possession of L.S.D. is a felony of the first degree, and the 2233  
court shall impose as a mandatory prison term one of the prison 2234  
terms prescribed for a felony of the first degree. 2235

(f) If the amount of L.S.D. involved equals or exceeds 2236  
five thousand unit doses of L.S.D. in a solid form or equals or 2237  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2238  
liquid extract, or liquid distillate form, possession of L.S.D. 2239  
is a felony of the first degree, the offender is a major drug 2240  
offender, and the court shall impose as a mandatory prison term 2241  
the maximum prison term prescribed for a felony of the first 2242  
degree. 2243

(6) If the drug involved in the violation is heroin or a 2244  
compound, mixture, preparation, or substance containing heroin, 2245  
whoever violates division (A) of this section is guilty of 2246  
possession of heroin. The penalty for the offense shall be 2247  
determined as follows: 2248

(a) Except as otherwise provided in division (C) (6) (b), 2249  
(c), (d), (e), or (f) of this section, possession of heroin is a 2250  
felony of the fifth degree, and division (B) of section 2929.13 2251  
of the Revised Code applies in determining whether to impose a 2252  
prison term on the offender. 2253

(b) If the amount of the drug involved equals or exceeds 2254  
ten unit doses but is less than fifty unit doses or equals or 2255

exceeds one gram but is less than five grams, possession of 2256  
heroin is a felony of the fourth degree, and division (C) of 2257  
section 2929.13 of the Revised Code applies in determining 2258  
whether to impose a prison term on the offender. 2259

(c) If the amount of the drug involved equals or exceeds 2260  
fifty unit doses but is less than one hundred unit doses or 2261  
equals or exceeds five grams but is less than ten grams, 2262  
possession of heroin is a felony of the third degree, and there 2263  
is a presumption for a prison term for the offense. 2264

(d) If the amount of the drug involved equals or exceeds 2265  
one hundred unit doses but is less than five hundred unit doses 2266  
or equals or exceeds ten grams but is less than fifty grams, 2267  
possession of heroin is a felony of the second degree, and the 2268  
court shall impose as a mandatory prison term one of the prison 2269  
terms prescribed for a felony of the second degree. 2270

(e) If the amount of the drug involved equals or exceeds 2271  
five hundred unit doses but is less than one thousand unit doses 2272  
or equals or exceeds fifty grams but is less than one hundred 2273  
grams, possession of heroin is a felony of the first degree, and 2274  
the court shall impose as a mandatory prison term one of the 2275  
prison terms prescribed for a felony of the first degree. 2276

(f) If the amount of the drug involved equals or exceeds 2277  
one thousand unit doses or equals or exceeds one hundred grams, 2278  
possession of heroin is a felony of the first degree, the 2279  
offender is a major drug offender, and the court shall impose as 2280  
a mandatory prison term the maximum prison term prescribed for a 2281  
felony of the first degree. 2282

(7) If the drug involved in the violation is hashish or a 2283  
compound, mixture, preparation, or substance containing hashish, 2284

whoever violates division (A) of this section is guilty of 2285  
possession of hashish. The penalty for the offense shall be 2286  
determined as follows: 2287

(a) Except as otherwise provided in division (C) (7) (b), 2288  
(c), (d), (e), (f), or (g) of this section, possession of 2289  
hashish is a minor misdemeanor. 2290

(b) If the amount of the drug involved equals or exceeds 2291  
five grams but is less than ten grams of hashish in a solid form 2292  
or equals or exceeds one gram but is less than two grams of 2293  
hashish in a liquid concentrate, liquid extract, or liquid 2294  
distillate form, possession of hashish is a misdemeanor of the 2295  
fourth degree. 2296

(c) If the amount of the drug involved equals or exceeds 2297  
ten grams but is less than fifty grams of hashish in a solid 2298  
form or equals or exceeds two grams but is less than ten grams 2299  
of hashish in a liquid concentrate, liquid extract, or liquid 2300  
distillate form, possession of hashish is a felony of the fifth 2301  
degree, and division (B) of section 2929.13 of the Revised Code 2302  
applies in determining whether to impose a prison term on the 2303  
offender. 2304

(d) If the amount of the drug involved equals or exceeds 2305  
fifty grams but is less than two hundred fifty grams of hashish 2306  
in a solid form or equals or exceeds ten grams but is less than 2307  
fifty grams of hashish in a liquid concentrate, liquid extract, 2308  
or liquid distillate form, possession of hashish is a felony of 2309  
the third degree, and division (C) of section 2929.13 of the 2310  
Revised Code applies in determining whether to impose a prison 2311  
term on the offender. 2312

(e) If the amount of the drug involved equals or exceeds 2313

two hundred fifty grams but is less than one thousand grams of 2314  
hashish in a solid form or equals or exceeds fifty grams but is 2315  
less than two hundred grams of hashish in a liquid concentrate, 2316  
liquid extract, or liquid distillate form, possession of hashish 2317  
is a felony of the third degree, and there is a presumption that 2318  
a prison term shall be imposed for the offense. 2319

(f) If the amount of the drug involved equals or exceeds 2320  
one thousand grams but is less than two thousand grams of 2321  
hashish in a solid form or equals or exceeds two hundred grams 2322  
but is less than four hundred grams of hashish in a liquid 2323  
concentrate, liquid extract, or liquid distillate form, 2324  
possession of hashish is a felony of the second degree, and the 2325  
court shall impose a mandatory prison term of five, six, seven, 2326  
or eight years. 2327

(g) If the amount of the drug involved equals or exceeds 2328  
two thousand grams of hashish in a solid form or equals or 2329  
exceeds four hundred grams of hashish in a liquid concentrate, 2330  
liquid extract, or liquid distillate form, possession of hashish 2331  
is a felony of the second degree, and the court shall impose as 2332  
a mandatory prison term the maximum prison term prescribed for a 2333  
felony of the second degree. 2334

(8) If the drug involved is a controlled substance analog 2335  
or compound, mixture, preparation, or substance that contains a 2336  
controlled substance analog, whoever violates division (A) of 2337  
this section is guilty of possession of a controlled substance 2338  
analog. The penalty for the offense shall be determined as 2339  
follows: 2340

(a) Except as otherwise provided in division (C) (8) (b), 2341  
(c), (d), (e), or (f) of this section, possession of a 2342  
controlled substance analog is a felony of the fifth degree, and 2343



division (B) of section 2929.13 of the Revised Code applies in 2344  
determining whether to impose a prison term on the offender. 2345

(b) If the amount of the drug involved equals or exceeds 2346  
ten grams but is less than twenty grams, possession of a 2347  
controlled substance analog is a felony of the fourth degree, 2348  
and there is a presumption for a prison term for the offense. 2349

(c) If the amount of the drug involved equals or exceeds 2350  
twenty grams but is less than thirty grams, possession of a 2351  
controlled substance analog is a felony of the third degree, and 2352  
there is a presumption for a prison term for the offense. 2353

(d) If the amount of the drug involved equals or exceeds 2354  
thirty grams but is less than forty grams, possession of a 2355  
controlled substance analog is a felony of the second degree, 2356  
and the court shall impose as a mandatory prison term one of the 2357  
prison terms prescribed for a felony of the second degree. 2358

(e) If the amount of the drug involved equals or exceeds 2359  
forty grams but is less than fifty grams, possession of a 2360  
controlled substance analog is a felony of the first degree, and 2361  
the court shall impose as a mandatory prison term one of the 2362  
prison terms prescribed for a felony of the first degree. 2363

(f) If the amount of the drug involved equals or exceeds 2364  
fifty grams, possession of a controlled substance analog is a 2365  
felony of the first degree, the offender is a major drug 2366  
offender, and the court shall impose as a mandatory prison term 2367  
the maximum prison term prescribed for a felony of the first 2368  
degree. 2369

(9) If the drug involved in the violation is a compound, 2370  
mixture, preparation, or substance that is a combination of a 2371  
fentanyl-related compound and marihuana, one of the following 2372

applies: 2373

(a) Except as otherwise provided in division (C) (9) (b) of this section, the offender is guilty of possession of marihuana and shall be punished as provided in division (C) (3) of this section. The offender is not guilty of possession of a fentanyl-related compound under division (C) (10) of this section and shall not be charged with, convicted of, or punished under division (C) (10) of this section for possession of a fentanyl-related compound. 2374  
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(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of possession of a fentanyl-related compound and shall be punished under division (C) (10) of this section. 2382  
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(10) If the drug involved in the violation is a fentanyl-related compound and division (C) (9) (a) of this section does not apply to the drug involved or is a compound, mixture, preparation, or substance containing a fentanyl-related compound and division (C) (9) (a) of this section does not apply to the drug involved, and the affirmative defense described in division (F) (2) of this section does not apply, whoever violates division (A) of this section is guilty of possession of a fentanyl-related compound. The penalty for the offense shall be determined as follows: 2387  
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(a) Except as otherwise provided in division (C) (10) (b), (c), (d), (e), (f), or (g) of this section, possession of a fentanyl-related compound is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 2397  
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(b) If the amount of the drug involved equals or exceeds 2402  
ten unit doses but is less than fifty unit doses or equals or 2403  
exceeds one gram but is less than five grams, possession of a 2404  
fentanyl-related compound is a felony of the fourth degree, and 2405  
division (C) of section 2929.13 of the Revised Code applies in 2406  
determining whether to impose a prison term on the offender. 2407

(c) If the amount of the drug involved equals or exceeds 2408  
fifty unit doses but is less than one hundred unit doses or 2409  
equals or exceeds five grams but is less than ten grams, 2410  
possession of a fentanyl-related compound is a felony of the 2411  
third degree, and there is a presumption for a prison term for 2412  
the offense. 2413

(d) If the amount of the drug involved equals or exceeds 2414  
one hundred unit doses but is less than two hundred unit doses 2415  
or equals or exceeds ten grams but is less than twenty grams, 2416  
possession of a fentanyl-related compound is a felony of the 2417  
second degree, and the court shall impose as a mandatory prison 2418  
term one of the prison terms prescribed for a felony of the 2419  
second degree. 2420

(e) If the amount of the drug involved equals or exceeds 2421  
two hundred unit doses but is less than five hundred unit doses 2422  
or equals or exceeds twenty grams but is less than fifty grams, 2423  
possession of a fentanyl-related compound is a felony of the 2424  
first degree, and the court shall impose as a mandatory prison 2425  
term one of the prison terms prescribed for a felony of the 2426  
first degree. 2427

(f) If the amount of the drug involved equals or exceeds 2428  
five hundred unit doses but is less than one thousand unit doses 2429  
or equals or exceeds fifty grams but is less than one hundred 2430  
grams, possession of a fentanyl-related compound is a felony of 2431

the first degree, and the court shall impose as a mandatory 2432  
prison term the maximum prison term prescribed for a felony of 2433  
the first degree. 2434

(g) If the amount of the drug involved equals or exceeds 2435  
one thousand unit doses or equals or exceeds one hundred grams, 2436  
possession of a fentanyl-related compound is a felony of the 2437  
first degree, the offender is a major drug offender, and the 2438  
court shall impose as a mandatory prison term the maximum prison 2439  
term prescribed for a felony of the first degree. 2440

(D) Arrest or conviction for a minor misdemeanor violation 2441  
of this section does not constitute a criminal record and need 2442  
not be reported by the person so arrested or convicted in 2443  
response to any inquiries about the person's criminal record, 2444  
including any inquiries contained in any application for 2445  
employment, license, or other right or privilege, or made in 2446  
connection with the person's appearance as a witness. 2447

(E) In addition to any prison term or jail term authorized 2448  
or required by division (C) of this section and sections 2449  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2450  
Code and in addition to any other sanction that is imposed for 2451  
the offense under this section, sections 2929.11 to 2929.18, or 2452  
sections 2929.21 to 2929.28 of the Revised Code, the court that 2453  
sentences an offender who is convicted of or pleads guilty to a 2454  
violation of division (A) of this section may suspend the 2455  
offender's driver's or commercial driver's license or permit for 2456  
not more than five years. However, if the offender pleaded 2457  
guilty to or was convicted of a violation of section 4511.19 of 2458  
the Revised Code or a substantially similar municipal ordinance 2459  
or the law of another state or the United States arising out of 2460  
the same set of circumstances as the violation, the court shall 2461

suspend the offender's driver's or commercial driver's license 2462  
or permit for not more than five years. If applicable, the court 2463  
also shall do the following: 2464

(1) (a) If the violation is a felony of the first, second, 2465  
or third degree, the court shall impose upon the offender the 2466  
mandatory fine specified for the offense under division (B) (1) 2467  
of section 2929.18 of the Revised Code unless, as specified in 2468  
that division, the court determines that the offender is 2469  
indigent. 2470

(b) Notwithstanding any contrary provision of section 2471  
3719.21 of the Revised Code, the clerk of the court shall pay a 2472  
mandatory fine or other fine imposed for a violation of this 2473  
section pursuant to division (A) of section 2929.18 of the 2474  
Revised Code in accordance with and subject to the requirements 2475  
of division (F) of section 2925.03 of the Revised Code. The 2476  
agency that receives the fine shall use the fine as specified in 2477  
division (F) of section 2925.03 of the Revised Code. 2478

(c) If a person is charged with a violation of this 2479  
section that is a felony of the first, second, or third degree, 2480  
posts bail, and forfeits the bail, the clerk shall pay the 2481  
forfeited bail pursuant to division (E) (1) (b) of this section as 2482  
if it were a mandatory fine imposed under division (E) (1) (a) of 2483  
this section. 2484

(2) If the offender is a professionally licensed person, 2485  
in addition to any other sanction imposed for a violation of 2486  
this section, the court immediately shall comply with section 2487  
2925.38 of the Revised Code. 2488

(F) (1) It is an affirmative defense, as provided in 2489  
section 2901.05 of the Revised Code, to a charge of a fourth 2490

degree felony violation under this section that the controlled 2491  
substance that gave rise to the charge is in an amount, is in a 2492  
form, is prepared, compounded, or mixed with substances that are 2493  
not controlled substances in a manner, or is possessed under any 2494  
other circumstances, that indicate that the substance was 2495  
possessed solely for personal use. Notwithstanding any contrary 2496  
provision of this section, if, in accordance with section 2497  
2901.05 of the Revised Code, an accused who is charged with a 2498  
fourth degree felony violation of division (C) (2), (4), (5), or 2499  
(6) of this section sustains the burden of going forward with 2500  
evidence of and establishes by a preponderance of the evidence 2501  
the affirmative defense described in this division, the accused 2502  
may be prosecuted for and may plead guilty to or be convicted of 2503  
a misdemeanor violation of division (C) (2) of this section or a 2504  
fifth degree felony violation of division (C) (4), (5), or (6) of 2505  
this section respectively. 2506

(2) It is an affirmative defense to a charge of possession 2507  
of a fentanyl-related compound under division (C) (10) of this 2508  
section that the controlled substance that gave rise to the 2509  
charge is a combination of a fentanyl-related compound and a 2510  
schedule III, IV, or V controlled substance and the offender did 2511  
not know or have reason to know that the drug involved contained 2512  
a fentanyl-related compound. Notwithstanding any contrary 2513  
provision of this section, if, in accordance with section 2514  
2901.05 of the Revised Code, the accused sustains the burden of 2515  
going forward with evidence of and establishes by a 2516  
preponderance of the evidence the affirmative defense described 2517  
in this division, the accused may be prosecuted for and may 2518  
plead guilty to or be convicted of possession of drugs under 2519  
division (C) (2) of this section. 2520

(G) When a person is charged with possessing a bulk amount 2521

or multiple of a bulk amount, division (E) of section 2925.03 of 2522  
the Revised Code applies regarding the determination of the 2523  
amount of the controlled substance involved at the time of the 2524  
offense. 2525

(H) It is an affirmative defense to a charge of possession 2526  
of a controlled substance analog under division (C) (8) of this 2527  
section that the person charged with violating that offense 2528  
obtained, possessed, or used an item described in division (HH) 2529  
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 2530

(I) Any offender who received a mandatory suspension of 2531  
the offender's driver's or commercial driver's license or permit 2532  
under this section prior to ~~the effective date of this amendment~~ 2533  
September 13, 2016, may file a motion with the sentencing court 2534  
requesting the termination of the suspension. However, an 2535  
offender who pleaded guilty to or was convicted of a violation 2536  
of section 4511.19 of the Revised Code or a substantially 2537  
similar municipal ordinance or law of another state or the 2538  
United States that arose out of the same set of circumstances as 2539  
the violation for which the offender's license or permit was 2540  
suspended under this section shall not file such a motion. 2541

Upon the filing of a motion under division (I) of this 2542  
section, the sentencing court, in its discretion, may terminate 2543  
the suspension. 2544

**Sec. 2925.13.** (A) No person who is the owner, operator, or 2545  
person in charge of a locomotive, watercraft, aircraft, or other 2546  
vehicle, as defined in division (A) of section 4501.01 of the 2547  
Revised Code, shall knowingly permit the vehicle to be used for 2548  
the commission of a felony drug abuse offense. 2549

(B) No person who is the owner, lessee, or occupant, or 2550

who has custody, control, or supervision, of premises or real 2551  
estate, including vacant land, shall knowingly permit the 2552  
premises or real estate, including vacant land, to be used for 2553  
the commission of a felony drug abuse offense by another person. 2554

(C) (1) Whoever violates this section is guilty of 2555  
permitting drug abuse. 2556

(2) Except as provided in division (C) (3) of this section, 2557  
permitting drug abuse is a misdemeanor of the first degree. 2558

(3) Permitting drug abuse is a felony of the fifth degree, 2559  
and division (C) of section 2929.13 of the Revised Code applies 2560  
in determining whether to impose a prison term on the offender, 2561  
if ~~the~~ either of the following applies: 2562

(a) The felony drug abuse offense in question is a 2563  
violation of section 2925.02 ~~or~~, 2925.03, or 2925.04 of the 2564  
Revised Code. 2565

(b) The felony drug abuse offense in question is a 2566  
violation of section 2925.041 of the Revised Code and the 2567  
offender had actual knowledge, at the time the offender 2568  
permitted the vehicle, premises, or real estate to be used as 2569  
described in division (A) or (B) of this section, that the 2570  
person who assembled or possessed the chemicals in question in 2571  
violation of section 2925.041 of the Revised Code had assembled 2572  
or possessed them with the intent to manufacture a controlled 2573  
substance in schedule I or II in violation of section 2925.04 of 2574  
the Revised Code. 2575

(D) (1) In addition to any prison term authorized or 2576  
required by division (C) of this section and sections 2929.13 2577  
and 2929.14 of the Revised Code and in addition to any other 2578  
sanction imposed for the offense under this section or sections 2579



2929.11 to 2929.18 of the Revised Code, the court that sentences 2580  
a person who is convicted of or pleads guilty to a violation of 2581  
division (A) of this section may suspend for not more than five 2582  
years the offender's driver's or commercial driver's license or 2583  
permit. However, if the offender pleaded guilty to or was 2584  
convicted of a violation of section 4511.19 of the Revised Code 2585  
or a substantially similar municipal ordinance or the law of 2586  
another state or the United States arising out of the same set 2587  
of circumstances as the violation, the court shall suspend the 2588  
offender's driver's or commercial driver's license or permit for 2589  
not more than five years. 2590

If the offender is a professionally licensed person, in 2591  
addition to any other sanction imposed for a violation of this 2592  
section, the court immediately shall comply with section 2925.38 2593  
of the Revised Code. 2594

(2) Any offender who received a mandatory suspension of 2595  
the offender's driver's or commercial driver's license or permit 2596  
under this section prior to ~~the effective date of this amendment~~ 2597  
September 13, 2016, may file a motion with the sentencing court 2598  
requesting the termination of the suspension. However, an 2599  
offender who pleaded guilty to or was convicted of a violation 2600  
of section 4511.19 of the Revised Code or a substantially 2601  
similar municipal ordinance or law of another state or the 2602  
United States that arose out of the same set of circumstances as 2603  
the violation for which the offender's license or permit was 2604  
suspended under this section shall not file such a motion. 2605

Upon the filing of a motion under division (D) (2) of this 2606  
section, the sentencing court, in its discretion, may terminate 2607  
the suspension. 2608

(E) Notwithstanding any contrary provision of section 2609

3719.21 of the Revised Code, the clerk of the court shall pay a 2610  
fine imposed for a violation of this section pursuant to 2611  
division (A) of section 2929.18 of the Revised Code in 2612  
accordance with and subject to the requirements of division (F) 2613  
of section 2925.03 of the Revised Code. The agency that receives 2614  
the fine shall use the fine as specified in division (F) of 2615  
section 2925.03 of the Revised Code. 2616

(F) Any premises or real estate that is permitted to be 2617  
used in violation of division (B) of this section constitutes a 2618  
nuisance subject to abatement pursuant to Chapter 3767. of the 2619  
Revised Code. 2620

**Sec. 2925.36.** (A) No person shall knowingly furnish 2621  
another a sample drug. 2622

(B) Division (A) of this section does not apply to 2623  
manufacturers, wholesalers, pharmacists, owners of pharmacies, 2624  
licensed health professionals authorized to prescribe drugs, and 2625  
other persons whose conduct is in accordance with Chapters 2626  
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 2627  
the Revised Code. 2628

(C)(1) Whoever violates this section is guilty of illegal 2629  
dispensing of drug samples. 2630

(2) If the drug involved in the offense is a compound, 2631  
mixture, preparation, or substance included in schedule I or II, 2632  
with the exception of marihuana, the penalty for the offense 2633  
shall be determined as follows: 2634

(a) Except as otherwise provided in division (C)(2)(b) of 2635  
this section, illegal dispensing of drug samples is a felony of 2636  
the fifth degree, and, subject to division (E) of this section, 2637  
division (C) of section 2929.13 of the Revised Code applies in 2638

determining whether to impose a prison term on the offender. 2639

(b) If the offense was committed in the vicinity of a 2640  
school or in the vicinity of a juvenile, illegal dispensing of 2641  
drug samples is a felony of the fourth degree, and, subject to 2642  
division (E) of this section, division (C) of section 2929.13 of 2643  
the Revised Code applies in determining whether to impose a 2644  
prison term on the offender. 2645

(3) If the drug involved in the offense is a dangerous 2646  
drug or a compound, mixture, preparation, or substance included 2647  
in schedule III, IV, or V, or is marihuana, the penalty for the 2648  
offense shall be determined as follows: 2649

(a) Except as otherwise provided in division (C) (3) (b) of 2650  
this section, illegal dispensing of drug samples is a 2651  
misdemeanor of the second degree. 2652

(b) If the offense was committed in the vicinity of a 2653  
school or in the vicinity of a juvenile, illegal dispensing of 2654  
drug samples is a misdemeanor of the first degree. 2655

(D) (1) In addition to any prison term authorized or 2656  
required by division (C) or (E) of this section and sections 2657  
2929.13 and 2929.14 of the Revised Code and in addition to any 2658  
other sanction imposed for the offense under this section or 2659  
sections 2929.11 to 2929.18 of the Revised Code, the court that 2660  
sentences an offender who is convicted of or pleads guilty to a 2661  
violation of division (A) of this section may suspend for not 2662  
more than five years the offender's driver's or commercial 2663  
driver's license or permit. However, if the offender pleaded 2664  
guilty to or was convicted of a violation of section 4511.19 of 2665  
the Revised Code or a substantially similar municipal ordinance 2666  
or the law of another state or the United States arising out of 2667

the same set of circumstances as the violation, the court shall 2668  
suspend the offender's driver's or commercial driver's license 2669  
or permit for not more than five years. 2670

If the offender is a professionally licensed person, in 2671  
addition to any other sanction imposed for a violation of this 2672  
section, the court immediately shall comply with section 2925.38 2673  
of the Revised Code. 2674

(2) Any offender who received a mandatory suspension of 2675  
the offender's driver's or commercial driver's license or permit 2676  
under this section prior to ~~the effective date of this amendment~~ 2677  
September 13, 2016, may file a motion with the sentencing court 2678  
requesting the termination of the suspension. However, an 2679  
offender who pleaded guilty to or was convicted of a violation 2680  
of section 4511.19 of the Revised Code or a substantially 2681  
similar municipal ordinance or law of another state or the 2682  
United States that arose out of the same set of circumstances as 2683  
the violation for which the offender's license or permit was 2684  
suspended under this section shall not file such a motion. 2685

Upon the filing of a motion under division (D)(2) of this 2686  
section, the sentencing court, in its discretion, may terminate 2687  
the suspension. 2688

(E) Notwithstanding the prison term authorized or required 2689  
by division (C) of this section and sections 2929.13 and 2929.14 2690  
of the Revised Code, if the violation of division (A) of this 2691  
section involves the sale, offer to sell, or possession of a 2692  
schedule I or II controlled substance, with the exception of 2693  
marihuana, and if the court imposing sentence upon the offender 2694  
finds that the offender as a result of the violation is a major 2695  
drug offender and is guilty of a specification of the type 2696  
described in division (A) of section 2941.1410 of the Revised 2697

Code, the court, in lieu of the prison term otherwise authorized 2698  
or required, shall impose upon the offender the mandatory prison 2699  
term specified in division (B) (3) (a) of section 2929.14 of the 2700  
Revised Code. 2701

(F) Notwithstanding any contrary provision of section 2702  
3719.21 of the Revised Code, the clerk of the court shall pay a 2703  
fine imposed for a violation of this section pursuant to 2704  
division (A) of section 2929.18 of the Revised Code in 2705  
accordance with and subject to the requirements of division (F) 2706  
of section 2925.03 of the Revised Code. The agency that receives 2707  
the fine shall use the fine as specified in division (F) of 2708  
section 2925.03 of the Revised Code. 2709

**Sec. 2929.01.** As used in this chapter: 2710

(A) (1) "Alternative residential facility" means, subject 2711  
to division (A) (2) of this section, any facility other than an 2712  
offender's home or residence in which an offender is assigned to 2713  
live and that satisfies all of the following criteria: 2714

(a) It provides programs through which the offender may 2715  
seek or maintain employment or may receive education, training, 2716  
treatment, or habilitation. 2717

(b) It has received the appropriate license or certificate 2718  
for any specialized education, training, treatment, 2719  
habilitation, or other service that it provides from the 2720  
government agency that is responsible for licensing or 2721  
certifying that type of education, training, treatment, 2722  
habilitation, or service. 2723

(2) "Alternative residential facility" does not include a 2724  
community-based correctional facility, jail, halfway house, or 2725  
prison. 2726

(B) "Basic probation supervision" means a requirement that 2727  
the offender maintain contact with a person appointed to 2728  
supervise the offender in accordance with sanctions imposed by 2729  
the court or imposed by the parole board pursuant to section 2730  
2967.28 of the Revised Code. "Basic probation supervision" 2731  
includes basic parole supervision and basic post-release control 2732  
supervision. 2733

(C) "Cocaine," "fentanyl-related compound," "hashish," 2734  
"L.S.D.," and "unit dose" have the same meanings as in section 2735  
2925.01 of the Revised Code. 2736

(D) "Community-based correctional facility" means a 2737  
community-based correctional facility and program or district 2738  
community-based correctional facility and program developed 2739  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 2740

(E) "Community control sanction" means a sanction that is 2741  
not a prison term and that is described in section 2929.15, 2742  
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 2743  
that is not a jail term and that is described in section 2744  
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 2745  
control sanction" includes probation if the sentence involved 2746  
was imposed for a felony that was committed prior to July 1, 2747  
1996, or if the sentence involved was imposed for a misdemeanor 2748  
that was committed prior to January 1, 2004. 2749

(F) "Controlled substance," "marihuana," "schedule I," and 2750  
"schedule II" have the same meanings as in section 3719.01 of 2751  
the Revised Code. 2752

(G) "Curfew" means a requirement that an offender during a 2753  
specified period of time be at a designated place. 2754

(H) "Day reporting" means a sanction pursuant to which an 2755

offender is required each day to report to and leave a center or 2756  
other approved reporting location at specified times in order to 2757  
participate in work, education or training, treatment, and other 2758  
approved programs at the center or outside the center. 2759

(I) "Deadly weapon" has the same meaning as in section 2760  
2923.11 of the Revised Code. 2761

(J) "Drug and alcohol use monitoring" means a program 2762  
under which an offender agrees to submit to random chemical 2763  
analysis of the offender's blood, breath, or urine to determine 2764  
whether the offender has ingested any alcohol or other drugs. 2765

(K) "Drug treatment program" means any program under which 2766  
a person undergoes assessment and treatment designed to reduce 2767  
or completely eliminate the person's physical or emotional 2768  
reliance upon alcohol, another drug, or alcohol and another drug 2769  
and under which the person may be required to receive assessment 2770  
and treatment on an outpatient basis or may be required to 2771  
reside at a facility other than the person's home or residence 2772  
while undergoing assessment and treatment. 2773

(L) "Economic loss" means any economic detriment suffered 2774  
by a victim as a direct and proximate result of the commission 2775  
of an offense and includes any loss of income due to lost time 2776  
at work because of any injury caused to the victim, and any 2777  
property loss, medical cost, or funeral expense incurred as a 2778  
result of the commission of the offense. "Economic loss" does 2779  
not include non-economic loss or any punitive or exemplary 2780  
damages. 2781

(M) "Education or training" includes study at, or in 2782  
conjunction with a program offered by, a university, college, or 2783  
technical college or vocational study and also includes the 2784

completion of primary school, secondary school, and literacy 2785  
curricula or their equivalent. 2786

(N) "Firearm" has the same meaning as in section 2923.11 2787  
of the Revised Code. 2788

(O) "Halfway house" means a facility licensed by the 2789  
division of parole and community services of the department of 2790  
rehabilitation and correction pursuant to section 2967.14 of the 2791  
Revised Code as a suitable facility for the care and treatment 2792  
of adult offenders. 2793

(P) "House arrest" means a period of confinement of an 2794  
offender that is in the offender's home or in other premises 2795  
specified by the sentencing court or by the parole board 2796  
pursuant to section 2967.28 of the Revised Code and during which 2797  
all of the following apply: 2798

(1) The offender is required to remain in the offender's 2799  
home or other specified premises for the specified period of 2800  
confinement, except for periods of time during which the 2801  
offender is at the offender's place of employment or at other 2802  
premises as authorized by the sentencing court or by the parole 2803  
board. 2804

(2) The offender is required to report periodically to a 2805  
person designated by the court or parole board. 2806

(3) The offender is subject to any other restrictions and 2807  
requirements that may be imposed by the sentencing court or by 2808  
the parole board. 2809

(Q) "Intensive probation supervision" means a requirement 2810  
that an offender maintain frequent contact with a person 2811  
appointed by the court, or by the parole board pursuant to 2812  
section 2967.28 of the Revised Code, to supervise the offender 2813



while the offender is seeking or maintaining necessary 2814  
employment and participating in training, education, and 2815  
treatment programs as required in the court's or parole board's 2816  
order. "Intensive probation supervision" includes intensive 2817  
parole supervision and intensive post-release control 2818  
supervision. 2819

(R) "Jail" means a jail, workhouse, minimum security jail, 2820  
or other residential facility used for the confinement of 2821  
alleged or convicted offenders that is operated by a political 2822  
subdivision or a combination of political subdivisions of this 2823  
state. 2824

(S) "Jail term" means the term in a jail that a sentencing 2825  
court imposes or is authorized to impose pursuant to section 2826  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 2827  
provision of the Revised Code that authorizes a term in a jail 2828  
for a misdemeanor conviction. 2829

(T) "Mandatory jail term" means the term in a jail that a 2830  
sentencing court is required to impose pursuant to division (G) 2831  
of section 1547.99 of the Revised Code, division (E) of section 2832  
2903.06 or division (D) of section 2903.08 of the Revised Code, 2833  
division (E) or (G) of section 2929.24 of the Revised Code, 2834  
division (B) of section 4510.14 of the Revised Code, or division 2835  
(G) of section 4511.19 of the Revised Code or pursuant to any 2836  
other provision of the Revised Code that requires a term in a 2837  
jail for a misdemeanor conviction. 2838

(U) "Delinquent child" has the same meaning as in section 2839  
2152.02 of the Revised Code. 2840

(V) "License violation report" means a report that is made 2841  
by a sentencing court, or by the parole board pursuant to 2842

section 2967.28 of the Revised Code, to the regulatory or 2843  
licensing board or agency that issued an offender a professional 2844  
license or a license or permit to do business in this state and 2845  
that specifies that the offender has been convicted of or 2846  
pleaded guilty to an offense that may violate the conditions 2847  
under which the offender's professional license or license or 2848  
permit to do business in this state was granted or an offense 2849  
for which the offender's professional license or license or 2850  
permit to do business in this state may be revoked or suspended. 2851

(W) "Major drug offender" means an offender who is 2852  
convicted of or pleads guilty to the possession of, sale of, or 2853  
offer to sell any drug, compound, mixture, preparation, or 2854  
substance that consists of or contains at least one thousand 2855  
grams of hashish; at least one hundred grams of cocaine; at 2856  
least one thousand unit doses or one hundred grams of heroin; at 2857  
least five thousand unit doses of L.S.D. or five hundred grams 2858  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 2859  
distillate form; at least fifty grams of a controlled substance 2860  
analog; at least one thousand unit doses or one hundred grams of 2861  
a fentanyl-related compound; or at least one hundred times the 2862  
amount of any other schedule I or II controlled substance other 2863  
than marihuana that is necessary to commit a felony of the third 2864  
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 2865  
of the Revised Code that is based on the possession of, sale of, 2866  
or offer to sell the controlled substance. 2867

(X) "Mandatory prison term" means any of the following: 2868

(1) Subject to division (X)(2) of this section, the term 2869  
in prison that must be imposed for the offenses or circumstances 2870  
set forth in divisions (F)(1) to (8) or (F)(12) to ~~(18)~~ (20) of 2871  
section 2929.13 and division (B) of section 2929.14 of the 2872

Revised Code. Except as provided in sections 2925.02, 2925.03, 2873  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 2874  
maximum or another specific term is required under section 2875  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 2876  
described in this division may be any prison term authorized for 2877  
the level of offense. 2878

(2) The term of sixty or one hundred twenty days in prison 2879  
that a sentencing court is required to impose for a third or 2880  
fourth degree felony OVI offense pursuant to division (G) (2) of 2881  
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 2882  
of the Revised Code or the term of one, two, three, four, or 2883  
five years in prison that a sentencing court is required to 2884  
impose pursuant to division (G) (2) of section 2929.13 of the 2885  
Revised Code. 2886

(3) The term in prison imposed pursuant to division (A) of 2887  
section 2971.03 of the Revised Code for the offenses and in the 2888  
circumstances described in division (F) (11) of section 2929.13 2889  
of the Revised Code or pursuant to division (B) (1) (a), (b), or 2890  
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 2891  
section 2971.03 of the Revised Code and that term as modified or 2892  
terminated pursuant to section 2971.05 of the Revised Code. 2893

(Y) "Monitored time" means a period of time during which 2894  
an offender continues to be under the control of the sentencing 2895  
court or parole board, subject to no conditions other than 2896  
leading a law-abiding life. 2897

(Z) "Offender" means a person who, in this state, is 2898  
convicted of or pleads guilty to a felony or a misdemeanor. 2899

(AA) "Prison" means a residential facility used for the 2900  
confinement of convicted felony offenders that is under the 2901

control of the department of rehabilitation and correction but 2902  
does not include a violation sanction center operated under 2903  
authority of section 2967.141 of the Revised Code. 2904

(BB) "Prison term" includes either of the following 2905  
sanctions for an offender: 2906

(1) A stated prison term; 2907

(2) A term in a prison shortened by, or with the approval 2908  
of, the sentencing court pursuant to section 2929.143, 2929.20, 2909  
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 2910

(CC) "Repeat violent offender" means a person about whom 2911  
both of the following apply: 2912

(1) The person is being sentenced for committing or for 2913  
complicity in committing any of the following: 2914

(a) Aggravated murder, murder, any felony of the first or 2915  
second degree that is an offense of violence, or an attempt to 2916  
commit any of these offenses if the attempt is a felony of the 2917  
first or second degree; 2918

(b) An offense under an existing or former law of this 2919  
state, another state, or the United States that is or was 2920  
substantially equivalent to an offense described in division 2921  
(CC) (1) (a) of this section. 2922

(2) The person previously was convicted of or pleaded 2923  
guilty to an offense described in division (CC) (1) (a) or (b) of 2924  
this section. 2925

(DD) "Sanction" means any penalty imposed upon an offender 2926  
who is convicted of or pleads guilty to an offense, as 2927  
punishment for the offense. "Sanction" includes any sanction 2928  
imposed pursuant to any provision of sections 2929.14 to 2929.18 2929

or 2929.24 to 2929.28 of the Revised Code. 2930

(EE) "Sentence" means the sanction or combination of 2931  
sanctions imposed by the sentencing court on an offender who is 2932  
convicted of or pleads guilty to an offense. 2933

(FF) "Stated prison term" means the prison term, mandatory 2934  
prison term, or combination of all prison terms and mandatory 2935  
prison terms imposed by the sentencing court pursuant to section 2936  
2929.14, 2929.142, or 2971.03 of the Revised Code or under 2937  
section 2919.25 of the Revised Code. "Stated prison term" 2938  
includes any credit received by the offender for time spent in 2939  
jail awaiting trial, sentencing, or transfer to prison for the 2940  
offense and any time spent under house arrest or house arrest 2941  
with electronic monitoring imposed after earning credits 2942  
pursuant to section 2967.193 of the Revised Code. If an offender 2943  
is serving a prison term as a risk reduction sentence under 2944  
sections 2929.143 and 5120.036 of the Revised Code, "stated 2945  
prison term" includes any period of time by which the prison 2946  
term imposed upon the offender is shortened by the offender's 2947  
successful completion of all assessment and treatment or 2948  
programming pursuant to those sections. 2949

(GG) "Victim-offender mediation" means a reconciliation or 2950  
mediation program that involves an offender and the victim of 2951  
the offense committed by the offender and that includes a 2952  
meeting in which the offender and the victim may discuss the 2953  
offense, discuss restitution, and consider other sanctions for 2954  
the offense. 2955

(HH) "Fourth degree felony OVI offense" means a violation 2956  
of division (A) of section 4511.19 of the Revised Code that, 2957  
under division (G) of that section, is a felony of the fourth 2958  
degree. 2959

(II) "Mandatory term of local incarceration" means the 2960  
term of sixty or one hundred twenty days in a jail, a community- 2961  
based correctional facility, a halfway house, or an alternative 2962  
residential facility that a sentencing court may impose upon a 2963  
person who is convicted of or pleads guilty to a fourth degree 2964  
felony OVI offense pursuant to division (G)(1) of section 2965  
2929.13 of the Revised Code and division (G)(1)(d) or (e) of 2966  
section 4511.19 of the Revised Code. 2967

(JJ) "Designated homicide, assault, or kidnapping 2968  
offense," "violent sex offense," "sexual motivation 2969  
specification," "sexually violent offense," "sexually violent 2970  
predator," and "sexually violent predator specification" have 2971  
the same meanings as in section 2971.01 of the Revised Code. 2972

(KK) "Sexually oriented offense," "child-victim oriented 2973  
offense," and "tier III sex offender/child-victim offender" have 2974  
the same meanings as in section 2950.01 of the Revised Code. 2975

(LL) An offense is "committed in the vicinity of a child" 2976  
if the offender commits the offense within thirty feet of or 2977  
within the same residential unit as a child who is under 2978  
eighteen years of age, regardless of whether the offender knows 2979  
the age of the child or whether the offender knows the offense 2980  
is being committed within thirty feet of or within the same 2981  
residential unit as the child and regardless of whether the 2982  
child actually views the commission of the offense. 2983

(MM) "Family or household member" has the same meaning as 2984  
in section 2919.25 of the Revised Code. 2985

(NN) "Motor vehicle" and "manufactured home" have the same 2986  
meanings as in section 4501.01 of the Revised Code. 2987

(OO) "Detention" and "detention facility" have the same 2988

meanings as in section 2921.01 of the Revised Code. 2989

(PP) "Third degree felony OVI offense" means a violation 2990  
of division (A) of section 4511.19 of the Revised Code that, 2991  
under division (G) of that section, is a felony of the third 2992  
degree. 2993

(QQ) "Random drug testing" has the same meaning as in 2994  
section 5120.63 of the Revised Code. 2995

(RR) "Felony sex offense" has the same meaning as in 2996  
section 2967.28 of the Revised Code. 2997

(SS) "Body armor" has the same meaning as in section 2998  
2941.1411 of the Revised Code. 2999

(TT) "Electronic monitoring" means monitoring through the 3000  
use of an electronic monitoring device. 3001

(UU) "Electronic monitoring device" means any of the 3002  
following: 3003

(1) Any device that can be operated by electrical or 3004  
battery power and that conforms with all of the following: 3005

(a) The device has a transmitter that can be attached to a 3006  
person, that will transmit a specified signal to a receiver of 3007  
the type described in division (UU)(1)(b) of this section if the 3008  
transmitter is removed from the person, turned off, or altered 3009  
in any manner without prior court approval in relation to 3010  
electronic monitoring or without prior approval of the 3011  
department of rehabilitation and correction in relation to the 3012  
use of an electronic monitoring device for an inmate on 3013  
transitional control or otherwise is tampered with, that can 3014  
transmit continuously and periodically a signal to that receiver 3015  
when the person is within a specified distance from the 3016

receiver, and that can transmit an appropriate signal to that 3017  
receiver if the person to whom it is attached travels a 3018  
specified distance from that receiver. 3019

(b) The device has a receiver that can receive 3020  
continuously the signals transmitted by a transmitter of the 3021  
type described in division (UU) (1) (a) of this section, can 3022  
transmit continuously those signals by a wireless or landline 3023  
telephone connection to a central monitoring computer of the 3024  
type described in division (UU) (1) (c) of this section, and can 3025  
transmit continuously an appropriate signal to that central 3026  
monitoring computer if the device has been turned off or altered 3027  
without prior court approval or otherwise tampered with. The 3028  
device is designed specifically for use in electronic 3029  
monitoring, is not a converted wireless phone or another 3030  
tracking device that is clearly not designed for electronic 3031  
monitoring, and provides a means of text-based or voice 3032  
communication with the person. 3033

(c) The device has a central monitoring computer that can 3034  
receive continuously the signals transmitted by a wireless or 3035  
landline telephone connection by a receiver of the type 3036  
described in division (UU) (1) (b) of this section and can monitor 3037  
continuously the person to whom an electronic monitoring device 3038  
of the type described in division (UU) (1) (a) of this section is 3039  
attached. 3040

(2) Any device that is not a device of the type described 3041  
in division (UU) (1) of this section and that conforms with all 3042  
of the following: 3043

(a) The device includes a transmitter and receiver that 3044  
can monitor and determine the location of a subject person at 3045  
any time, or at a designated point in time, through the use of a 3046



central monitoring computer or through other electronic means. 3047

(b) The device includes a transmitter and receiver that 3048  
can determine at any time, or at a designated point in time, 3049  
through the use of a central monitoring computer or other 3050  
electronic means the fact that the transmitter is turned off or 3051  
altered in any manner without prior approval of the court in 3052  
relation to the electronic monitoring or without prior approval 3053  
of the department of rehabilitation and correction in relation 3054  
to the use of an electronic monitoring device for an inmate on 3055  
transitional control or otherwise is tampered with. 3056

(3) Any type of technology that can adequately track or 3057  
determine the location of a subject person at any time and that 3058  
is approved by the director of rehabilitation and correction, 3059  
including, but not limited to, any satellite technology, voice 3060  
tracking system, or retinal scanning system that is so approved. 3061

(VV) "Non-economic loss" means nonpecuniary harm suffered 3062  
by a victim of an offense as a result of or related to the 3063  
commission of the offense, including, but not limited to, pain 3064  
and suffering; loss of society, consortium, companionship, care, 3065  
assistance, attention, protection, advice, guidance, counsel, 3066  
instruction, training, or education; mental anguish; and any 3067  
other intangible loss. 3068

(WW) "Prosecutor" has the same meaning as in section 3069  
2935.01 of the Revised Code. 3070

(XX) "Continuous alcohol monitoring" means the ability to 3071  
automatically test and periodically transmit alcohol consumption 3072  
levels and tamper attempts at least every hour, regardless of 3073  
the location of the person who is being monitored. 3074

(YY) A person is "adjudicated a sexually violent predator" 3075

if the person is convicted of or pleads guilty to a violent sex 3076  
offense and also is convicted of or pleads guilty to a sexually 3077  
violent predator specification that was included in the 3078  
indictment, count in the indictment, or information charging 3079  
that violent sex offense or if the person is convicted of or 3080  
pleads guilty to a designated homicide, assault, or kidnapping 3081  
offense and also is convicted of or pleads guilty to both a 3082  
sexual motivation specification and a sexually violent predator 3083  
specification that were included in the indictment, count in the 3084  
indictment, or information charging that designated homicide, 3085  
assault, or kidnapping offense. 3086

(ZZ) An offense is "committed in proximity to a school" if 3087  
the offender commits the offense in a school safety zone or 3088  
within five hundred feet of any school building or the 3089  
boundaries of any school premises, regardless of whether the 3090  
offender knows the offense is being committed in a school safety 3091  
zone or within five hundred feet of any school building or the 3092  
boundaries of any school premises. 3093

(AAA) "Human trafficking" means a scheme or plan to which 3094  
all of the following apply: 3095

(1) Its object is one or more of the following: 3096

(a) To subject a victim or victims to involuntary 3097  
servitude, as defined in section 2905.31 of the Revised Code or 3098  
to compel a victim or victims to engage in sexual activity for 3099  
hire, to engage in a performance that is obscene, sexually 3100  
oriented, or nudity oriented, or to be a model or participant in 3101  
the production of material that is obscene, sexually oriented, 3102  
or nudity oriented; 3103

(b) To facilitate, encourage, or recruit a victim who is 3104

less than sixteen years of age or is a person with a 3105  
developmental disability, or victims who are less than sixteen 3106  
years of age or are persons with developmental disabilities, for 3107  
any purpose listed in divisions (A) (2) (a) to (c) of section 3108  
2905.32 of the Revised Code; 3109

(c) To facilitate, encourage, or recruit a victim who is 3110  
sixteen or seventeen years of age, or victims who are sixteen or 3111  
seventeen years of age, for any purpose listed in divisions (A) 3112  
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 3113  
circumstances described in division (A) (5), (6), (7), (8), (9), 3114  
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 3115  
apply with respect to the person engaging in the conduct and the 3116  
victim or victims. 3117

(2) It involves at least two felony offenses, whether or 3118  
not there has been a prior conviction for any of the felony 3119  
offenses, to which all of the following apply: 3120

(a) Each of the felony offenses is a violation of section 3121  
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 3122  
division (A) (1) or (2) of section 2907.323, or division (B) (1), 3123  
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 3124  
is a violation of a law of any state other than this state that 3125  
is substantially similar to any of the sections or divisions of 3126  
the Revised Code identified in this division. 3127

(b) At least one of the felony offenses was committed in 3128  
this state. 3129

(c) The felony offenses are related to the same scheme or 3130  
plan and are not isolated instances. 3131

(BBB) "Material," "nudity," "obscene," "performance," and 3132  
"sexual activity" have the same meanings as in section 2907.01 3133

of the Revised Code. 3134

(CCC) "Material that is obscene, sexually oriented, or 3135  
nudity oriented" means any material that is obscene, that shows 3136  
a person participating or engaging in sexual activity, 3137  
masturbation, or bestiality, or that shows a person in a state 3138  
of nudity. 3139

(DDD) "Performance that is obscene, sexually oriented, or 3140  
nudity oriented" means any performance that is obscene, that 3141  
shows a person participating or engaging in sexual activity, 3142  
masturbation, or bestiality, or that shows a person in a state 3143  
of nudity. 3144

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 3145  
or (G) of this section and unless a specific sanction is 3146  
required to be imposed or is precluded from being imposed 3147  
pursuant to law, a court that imposes a sentence upon an 3148  
offender for a felony may impose any sanction or combination of 3149  
sanctions on the offender that are provided in sections 2929.14 3150  
to 2929.18 of the Revised Code. 3151

If the offender is eligible to be sentenced to community 3152  
control sanctions, the court shall consider the appropriateness 3153  
of imposing a financial sanction pursuant to section 2929.18 of 3154  
the Revised Code or a sanction of community service pursuant to 3155  
section 2929.17 of the Revised Code as the sole sanction for the 3156  
offense. Except as otherwise provided in this division, if the 3157  
court is required to impose a mandatory prison term for the 3158  
offense for which sentence is being imposed, the court also 3159  
shall impose any financial sanction pursuant to section 2929.18 3160  
of the Revised Code that is required for the offense and may 3161  
impose any other financial sanction pursuant to that section but 3162  
may not impose any additional sanction or combination of 3163

sanctions under section 2929.16 or 2929.17 of the Revised Code. 3164

If the offender is being sentenced for a fourth degree 3165  
felony OVI offense or for a third degree felony OVI offense, in 3166  
addition to the mandatory term of local incarceration or the 3167  
mandatory prison term required for the offense by division (G) 3168  
(1) or (2) of this section, the court shall impose upon the 3169  
offender a mandatory fine in accordance with division (B) (3) of 3170  
section 2929.18 of the Revised Code and may impose whichever of 3171  
the following is applicable: 3172

(1) For a fourth degree felony OVI offense for which 3173  
sentence is imposed under division (G) (1) of this section, an 3174  
additional community control sanction or combination of 3175  
community control sanctions under section 2929.16 or 2929.17 of 3176  
the Revised Code. If the court imposes upon the offender a 3177  
community control sanction and the offender violates any 3178  
condition of the community control sanction, the court may take 3179  
any action prescribed in division (B) of section 2929.15 of the 3180  
Revised Code relative to the offender, including imposing a 3181  
prison term on the offender pursuant to that division. 3182

(2) For a third or fourth degree felony OVI offense for 3183  
which sentence is imposed under division (G) (2) of this section, 3184  
an additional prison term as described in division (B) (4) of 3185  
section 2929.14 of the Revised Code or a community control 3186  
sanction as described in division (G) (2) of this section. 3187

(B) (1) (a) Except as provided in division (B) (1) (b) of this 3188  
section, if an offender is convicted of or pleads guilty to a 3189  
felony of the fourth or fifth degree that is not an offense of 3190  
violence or that is a qualifying assault offense, the court 3191  
shall sentence the offender to a community control sanction of 3192  
at least one year's duration if all of the following apply: 3193

(i) The offender previously has not been convicted of or pleaded guilty to a felony offense.	3194 3195
(ii) The most serious charge against the offender at the time of sentencing is a felony of the fourth or fifth degree.	3196 3197
(iii) If the court made a request of the department of rehabilitation and correction pursuant to division (B) (1) (c) of this section, the department, within the forty-five-day period specified in that division, provided the court with the names of, contact information for, and program details of one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court.	3198 3199 3200 3201 3202 3203 3204
(iv) The offender previously has not been convicted of or pleaded guilty to a misdemeanor offense of violence that the offender committed within two years prior to the offense for which sentence is being imposed.	3205 3206 3207 3208
(b) The court has discretion to impose a prison term upon an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense if any of the following apply:	3209 3210 3211 3212 3213
(i) The offender committed the offense while having a firearm on or about the offender's person or under the offender's control.	3214 3215 3216
(ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another person while committing the offense.	3217 3218 3219 3220 3221
(iii) The offender violated a term of the conditions of	3222

bond as set by the court. 3223

(iv) The court made a request of the department of 3224  
rehabilitation and correction pursuant to division (B)(1)(c) of 3225  
this section, and the department, within the forty-five-day 3226  
period specified in that division, did not provide the court 3227  
with the name of, contact information for, and program details 3228  
of any community control sanction of at least one year's 3229  
duration that is available for persons sentenced by the court. 3230

(v) The offense is a sex offense that is a fourth or fifth 3231  
degree felony violation of any provision of Chapter 2907. of the 3232  
Revised Code. 3233

(vi) In committing the offense, the offender attempted to 3234  
cause or made an actual threat of physical harm to a person with 3235  
a deadly weapon. 3236

(vii) In committing the offense, the offender attempted to 3237  
cause or made an actual threat of physical harm to a person, and 3238  
the offender previously was convicted of an offense that caused 3239  
physical harm to a person. 3240

(viii) The offender held a public office or position of 3241  
trust, and the offense related to that office or position; the 3242  
offender's position obliged the offender to prevent the offense 3243  
or to bring those committing it to justice; or the offender's 3244  
professional reputation or position facilitated the offense or 3245  
was likely to influence the future conduct of others. 3246

(ix) The offender committed the offense for hire or as 3247  
part of an organized criminal activity. 3248

(x) The offender at the time of the offense was serving, 3249  
or the offender previously had served, a prison term. 3250

(xi) The offender committed the offense while under a 3251  
community control sanction, while on probation, or while 3252  
released from custody on a bond or personal recognizance. 3253

(c) If a court that is sentencing an offender who is 3254  
convicted of or pleads guilty to a felony of the fourth or fifth 3255  
degree that is not an offense of violence or that is a 3256  
qualifying assault offense believes that no community control 3257  
sanctions are available for its use that, if imposed on the 3258  
offender, will adequately fulfill the overriding principles and 3259  
purposes of sentencing, the court shall contact the department 3260  
of rehabilitation and correction and ask the department to 3261  
provide the court with the names of, contact information for, 3262  
and program details of one or more community control sanctions 3263  
of at least one year's duration that are available for persons 3264  
sentenced by the court. Not later than forty-five days after 3265  
receipt of a request from a court under this division, the 3266  
department shall provide the court with the names of, contact 3267  
information for, and program details of one or more community 3268  
control sanctions of at least one year's duration that are 3269  
available for persons sentenced by the court, if any. Upon 3270  
making a request under this division that relates to a 3271  
particular offender, a court shall defer sentencing of that 3272  
offender until it receives from the department the names of, 3273  
contact information for, and program details of one or more 3274  
community control sanctions of at least one year's duration that 3275  
are available for persons sentenced by the court or for forty- 3276  
five days, whichever is the earlier. 3277

If the department provides the court with the names of, 3278  
contact information for, and program details of one or more 3279  
community control sanctions of at least one year's duration that 3280  
are available for persons sentenced by the court within the 3281



forty-five-day period specified in this division, the court 3282  
shall impose upon the offender a community control sanction 3283  
under division (B) (1) (a) of this section, except that the court 3284  
may impose a prison term under division (B) (1) (b) of this 3285  
section if a factor described in division (B) (1) (b) (i) or (ii) 3286  
of this section applies. If the department does not provide the 3287  
court with the names of, contact information for, and program 3288  
details of one or more community control sanctions of at least 3289  
one year's duration that are available for persons sentenced by 3290  
the court within the forty-five-day period specified in this 3291  
division, the court may impose upon the offender a prison term 3292  
under division (B) (1) (b) (iv) of this section. 3293

(d) A sentencing court may impose an additional penalty 3294  
under division (B) of section 2929.15 of the Revised Code upon 3295  
an offender sentenced to a community control sanction under 3296  
division (B) (1) (a) of this section if the offender violates the 3297  
conditions of the community control sanction, violates a law, or 3298  
leaves the state without the permission of the court or the 3299  
offender's probation officer. 3300

(2) If division (B) (1) of this section does not apply, 3301  
except as provided in division (E), (F), or (G) of this section, 3302  
in determining whether to impose a prison term as a sanction for 3303  
a felony of the fourth or fifth degree, the sentencing court 3304  
shall comply with the purposes and principles of sentencing 3305  
under section 2929.11 of the Revised Code and with section 3306  
2929.12 of the Revised Code. 3307

(C) Except as provided in division (D), (E), (F), or (G) 3308  
of this section, in determining whether to impose a prison term 3309  
as a sanction for a felony of the third degree or a felony drug 3310  
offense that is a violation of a provision of Chapter 2925. of 3311

the Revised Code and that is specified as being subject to this 3312  
division for purposes of sentencing, the sentencing court shall 3313  
comply with the purposes and principles of sentencing under 3314  
section 2929.11 of the Revised Code and with section 2929.12 of 3315  
the Revised Code. 3316

(D) (1) Except as provided in division (E) or (F) of this 3317  
section, for a felony of the first or second degree, for a 3318  
felony drug offense that is a violation of any provision of 3319  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 3320  
presumption in favor of a prison term is specified as being 3321  
applicable, and for a violation of division (A) (4) or (B) of 3322  
section 2907.05 of the Revised Code for which a presumption in 3323  
favor of a prison term is specified as being applicable, it is 3324  
presumed that a prison term is necessary in order to comply with 3325  
the purposes and principles of sentencing under section 2929.11 3326  
of the Revised Code. Division (D) (2) of this section does not 3327  
apply to a presumption established under this division for a 3328  
violation of division (A) (4) of section 2907.05 of the Revised 3329  
Code. 3330

(2) Notwithstanding the presumption established under 3331  
division (D) (1) of this section for the offenses listed in that 3332  
division other than a violation of division (A) (4) or (B) of 3333  
section 2907.05 of the Revised Code, the sentencing court may 3334  
impose a community control sanction or a combination of 3335  
community control sanctions instead of a prison term on an 3336  
offender for a felony of the first or second degree or for a 3337  
felony drug offense that is a violation of any provision of 3338  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 3339  
presumption in favor of a prison term is specified as being 3340  
applicable if it makes both of the following findings: 3341

(a) A community control sanction or a combination of 3342  
community control sanctions would adequately punish the offender 3343  
and protect the public from future crime, because the applicable 3344  
factors under section 2929.12 of the Revised Code indicating a 3345  
lesser likelihood of recidivism outweigh the applicable factors 3346  
under that section indicating a greater likelihood of 3347  
recidivism. 3348

(b) A community control sanction or a combination of 3349  
community control sanctions would not demean the seriousness of 3350  
the offense, because one or more factors under section 2929.12 3351  
of the Revised Code that indicate that the offender's conduct 3352  
was less serious than conduct normally constituting the offense 3353  
are applicable, and they outweigh the applicable factors under 3354  
that section that indicate that the offender's conduct was more 3355  
serious than conduct normally constituting the offense. 3356

(E) (1) Except as provided in division (F) of this section, 3357  
for any drug offense that is a violation of any provision of 3358  
Chapter 2925. of the Revised Code and that is a felony of the 3359  
third, fourth, or fifth degree, the applicability of a 3360  
presumption under division (D) of this section in favor of a 3361  
prison term or of division (B) or (C) of this section in 3362  
determining whether to impose a prison term for the offense 3363  
shall be determined as specified in section 2925.02, 2925.03, 3364  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 3365  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 3366  
regarding the violation. 3367

(2) If an offender who was convicted of or pleaded guilty 3368  
to a felony violates the conditions of a community control 3369  
sanction imposed for the offense solely by reason of producing 3370  
positive results on a drug test or by acting pursuant to 3371

division (B) (2) (b) of section 2925.11 of the Revised Code with 3372  
respect to a minor drug possession offense, the court, as 3373  
punishment for the violation of the sanction, shall not order 3374  
that the offender be imprisoned unless the court determines on 3375  
the record either of the following: 3376

(a) The offender had been ordered as a sanction for the 3377  
felony to participate in a drug treatment program, in a drug 3378  
education program, or in narcotics anonymous or a similar 3379  
program, and the offender continued to use illegal drugs after a 3380  
reasonable period of participation in the program. 3381

(b) The imprisonment of the offender for the violation is 3382  
consistent with the purposes and principles of sentencing set 3383  
forth in section 2929.11 of the Revised Code. 3384

(3) A court that sentences an offender for a drug abuse 3385  
offense that is a felony of the third, fourth, or fifth degree 3386  
may require that the offender be assessed by a properly 3387  
credentialed professional within a specified period of time. The 3388  
court shall require the professional to file a written 3389  
assessment of the offender with the court. If the offender is 3390  
eligible for a community control sanction and after considering 3391  
the written assessment, the court may impose a community control 3392  
sanction that includes addiction services and recovery supports 3393  
included in a community-based continuum of care established 3394  
under section 340.032 of the Revised Code. If the court imposes 3395  
addiction services and recovery supports as a community control 3396  
sanction, the court shall direct the level and type of addiction 3397  
services and recovery supports after considering the assessment 3398  
and recommendation of community addiction services providers. 3399

(F) Notwithstanding divisions (A) to (E) of this section, 3400  
the court shall impose a prison term or terms under sections 3401

2929.02 to 2929.06, section 2929.14, section 2929.142, or 3402  
section 2971.03 of the Revised Code and except as specifically 3403  
provided in section 2929.20, divisions (C) to (I) of section 3404  
2967.19, or section 2967.191 of the Revised Code or when parole 3405  
is authorized for the offense under section 2967.13 of the 3406  
Revised Code shall not reduce the term or terms pursuant to 3407  
section 2929.20, section 2967.19, section 2967.193, or any other 3408  
provision of Chapter 2967. or Chapter 5120. of the Revised Code 3409  
for any of the following offenses: 3410

(1) Aggravated murder when death is not imposed or murder; 3411

(2) Any rape, regardless of whether force was involved and 3412  
regardless of the age of the victim, or an attempt to commit 3413  
rape if, had the offender completed the rape that was attempted, 3414  
the offender would have been guilty of a violation of division 3415  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 3416  
sentenced under section 2971.03 of the Revised Code; 3417

(3) Gross sexual imposition or sexual battery, if the 3418  
victim is less than thirteen years of age and if any of the 3419  
following applies: 3420

(a) Regarding gross sexual imposition, the offender 3421  
previously was convicted of or pleaded guilty to rape, the 3422  
former offense of felonious sexual penetration, gross sexual 3423  
imposition, or sexual battery, and the victim of the previous 3424  
offense was less than thirteen years of age; 3425

(b) Regarding gross sexual imposition, the offense was 3426  
committed on or after August 3, 2006, and evidence other than 3427  
the testimony of the victim was admitted in the case 3428  
corroborating the violation. 3429

(c) Regarding sexual battery, either of the following 3430

applies: 3431

(i) The offense was committed prior to August 3, 2006, the 3432  
offender previously was convicted of or pleaded guilty to rape, 3433  
the former offense of felonious sexual penetration, or sexual 3434  
battery, and the victim of the previous offense was less than 3435  
thirteen years of age. 3436

(ii) The offense was committed on or after August 3, 2006. 3437

(4) A felony violation of section 2903.04, 2903.06, 3438  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 3439  
or 2923.132 of the Revised Code if the section requires the 3440  
imposition of a prison term; 3441

(5) A first, second, or third degree felony drug offense 3442  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 3443  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 3444  
or 4729.99 of the Revised Code, whichever is applicable 3445  
regarding the violation, requires the imposition of a mandatory 3446  
prison term; 3447

(6) Any offense that is a first or second degree felony 3448  
and that is not set forth in division (F)(1), (2), (3), or (4) 3449  
of this section, if the offender previously was convicted of or 3450  
pleaded guilty to aggravated murder, murder, any first or second 3451  
degree felony, or an offense under an existing or former law of 3452  
this state, another state, or the United States that is or was 3453  
substantially equivalent to one of those offenses; 3454

(7) Any offense that is a third degree felony and either 3455  
is a violation of section 2903.04 of the Revised Code or an 3456  
attempt to commit a felony of the second degree that is an 3457  
offense of violence and involved an attempt to cause serious 3458  
physical harm to a person or that resulted in serious physical 3459

harm to a person if the offender previously was convicted of or 3460  
pleaded guilty to any of the following offenses: 3461

(a) Aggravated murder, murder, involuntary manslaughter, 3462  
rape, felonious sexual penetration as it existed under section 3463  
2907.12 of the Revised Code prior to September 3, 1996, a felony 3464  
of the first or second degree that resulted in the death of a 3465  
person or in physical harm to a person, or complicity in or an 3466  
attempt to commit any of those offenses; 3467

(b) An offense under an existing or former law of this 3468  
state, another state, or the United States that is or was 3469  
substantially equivalent to an offense listed in division (F) (7) 3470  
(a) of this section that resulted in the death of a person or in 3471  
physical harm to a person. 3472

(8) Any offense, other than a violation of section 2923.12 3473  
of the Revised Code, that is a felony, if the offender had a 3474  
firearm on or about the offender's person or under the 3475  
offender's control while committing the felony, with respect to 3476  
a portion of the sentence imposed pursuant to division (B) (1) (a) 3477  
of section 2929.14 of the Revised Code for having the firearm; 3478

(9) Any offense of violence that is a felony, if the 3479  
offender wore or carried body armor while committing the felony 3480  
offense of violence, with respect to the portion of the sentence 3481  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 3482  
Revised Code for wearing or carrying the body armor; 3483

(10) Corrupt activity in violation of section 2923.32 of 3484  
the Revised Code when the most serious offense in the pattern of 3485  
corrupt activity that is the basis of the offense is a felony of 3486  
the first degree; 3487

(11) Any violent sex offense or designated homicide, 3488

assault, or kidnapping offense if, in relation to that offense, 3489  
the offender is adjudicated a sexually violent predator; 3490

(12) A violation of division (A) (1) or (2) of section 3491  
2921.36 of the Revised Code, or a violation of division (C) of 3492  
that section involving an item listed in division (A) (1) or (2) 3493  
of that section, if the offender is an officer or employee of 3494  
the department of rehabilitation and correction; 3495

(13) A violation of division (A) (1) or (2) of section 3496  
2903.06 of the Revised Code if the victim of the offense is a 3497  
peace officer, as defined in section 2935.01 of the Revised 3498  
Code, or an investigator of the bureau of criminal 3499  
identification and investigation, as defined in section 2903.11 3500  
of the Revised Code, with respect to the portion of the sentence 3501  
imposed pursuant to division (B) (5) of section 2929.14 of the 3502  
Revised Code; 3503

(14) A violation of division (A) (1) or (2) of section 3504  
2903.06 of the Revised Code if the offender has been convicted 3505  
of or pleaded guilty to three or more violations of division (A) 3506  
or (B) of section 4511.19 of the Revised Code or an equivalent 3507  
offense, as defined in section 2941.1415 of the Revised Code, or 3508  
three or more violations of any combination of those divisions 3509  
and offenses, with respect to the portion of the sentence 3510  
imposed pursuant to division (B) (6) of section 2929.14 of the 3511  
Revised Code; 3512

(15) Kidnapping, in the circumstances specified in section 3513  
2971.03 of the Revised Code and when no other provision of 3514  
division (F) of this section applies; 3515

(16) Kidnapping, abduction, compelling prostitution, 3516  
promoting prostitution, engaging in a pattern of corrupt 3517



activity, illegal use of a minor in a nudity-oriented material 3518  
or performance in violation of division (A) (1) or (2) of section 3519  
2907.323 of the Revised Code, or endangering children in 3520  
violation of division (B) (1), (2), (3), (4), or (5) of section 3521  
2919.22 of the Revised Code, if the offender is convicted of or 3522  
pleads guilty to a specification as described in section 3523  
2941.1422 of the Revised Code that was included in the 3524  
indictment, count in the indictment, or information charging the 3525  
offense; 3526

(17) A felony violation of division (A) or (B) of section 3527  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 3528  
that section, and division (D) (6) of that section, require the 3529  
imposition of a prison term; 3530

(18) A felony violation of section 2903.11, 2903.12, or 3531  
2903.13 of the Revised Code, if the victim of the offense was a 3532  
woman that the offender knew was pregnant at the time of the 3533  
violation, with respect to a portion of the sentence imposed 3534  
pursuant to division (B) (8) of section 2929.14 of the Revised 3535  
Code; 3536

(19) (a) Any violent felony offense if the offender is a 3537  
violent career criminal and had a firearm on or about the 3538  
offender's person or under the offender's control during the 3539  
commission of the violent felony offense and displayed or 3540  
brandished the firearm, indicated that the offender possessed a 3541  
firearm, or used the firearm to facilitate the offense, with 3542  
respect to the portion of the sentence imposed under division 3543  
(K) of section 2929.14 of the Revised Code. 3544

(b) As used in division (F) (19) (a) of this section, 3545  
"violent career criminal" and "violent felony offense" have the 3546  
same meanings as in section 2923.132 of the Revised Code. 3547

(20) A felony violation of section 2925.03, 2925.05, or 3548  
2925.11 of the Revised Code, if the drug involved in the 3549  
violation is a fentanyl-related compound or a compound, mixture, 3550  
preparation, or substance containing a fentanyl-related compound 3551  
and the offender is convicted of or pleads guilty to a 3552  
specification of the type described in division (B) of section 3553  
2941.1410 of the Revised Code that was included in the 3554  
indictment, count in the indictment, or information charging the 3555  
offense, with respect to the portion of the sentence imposed 3556  
under division (B) (9) of section 2929.14 of the Revised Code. 3557

(G) Notwithstanding divisions (A) to (E) of this section, 3558  
if an offender is being sentenced for a fourth degree felony OVI 3559  
offense or for a third degree felony OVI offense, the court 3560  
shall impose upon the offender a mandatory term of local 3561  
incarceration or a mandatory prison term in accordance with the 3562  
following: 3563

(1) If the offender is being sentenced for a fourth degree 3564  
felony OVI offense and if the offender has not been convicted of 3565  
and has not pleaded guilty to a specification of the type 3566  
described in section 2941.1413 of the Revised Code, the court 3567  
may impose upon the offender a mandatory term of local 3568  
incarceration of sixty days or one hundred twenty days as 3569  
specified in division (G) (1) (d) of section 4511.19 of the 3570  
Revised Code. The court shall not reduce the term pursuant to 3571  
section 2929.20, 2967.193, or any other provision of the Revised 3572  
Code. The court that imposes a mandatory term of local 3573  
incarceration under this division shall specify whether the term 3574  
is to be served in a jail, a community-based correctional 3575  
facility, a halfway house, or an alternative residential 3576  
facility, and the offender shall serve the term in the type of 3577  
facility specified by the court. A mandatory term of local 3578

incarceration imposed under division (G) (1) of this section is 3579  
not subject to any other Revised Code provision that pertains to 3580  
a prison term except as provided in division (A) (1) of this 3581  
section. 3582

(2) If the offender is being sentenced for a third degree 3583  
felony OVI offense, or if the offender is being sentenced for a 3584  
fourth degree felony OVI offense and the court does not impose a 3585  
mandatory term of local incarceration under division (G) (1) of 3586  
this section, the court shall impose upon the offender a 3587  
mandatory prison term of one, two, three, four, or five years if 3588  
the offender also is convicted of or also pleads guilty to a 3589  
specification of the type described in section 2941.1413 of the 3590  
Revised Code or shall impose upon the offender a mandatory 3591  
prison term of sixty days or one hundred twenty days as 3592  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 3593  
Revised Code if the offender has not been convicted of and has 3594  
not pleaded guilty to a specification of that type. Subject to 3595  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 3596  
court shall not reduce the term pursuant to section 2929.20, 3597  
2967.19, 2967.193, or any other provision of the Revised Code. 3598  
The offender shall serve the one-, two-, three-, four-, or five- 3599  
year mandatory prison term consecutively to and prior to the 3600  
prison term imposed for the underlying offense and consecutively 3601  
to any other mandatory prison term imposed in relation to the 3602  
offense. In no case shall an offender who once has been 3603  
sentenced to a mandatory term of local incarceration pursuant to 3604  
division (G) (1) of this section for a fourth degree felony OVI 3605  
offense be sentenced to another mandatory term of local 3606  
incarceration under that division for any violation of division 3607  
(A) of section 4511.19 of the Revised Code. In addition to the 3608  
mandatory prison term described in division (G) (2) of this 3609

section, the court may sentence the offender to a community 3610  
control sanction under section 2929.16 or 2929.17 of the Revised 3611  
Code, but the offender shall serve the prison term prior to 3612  
serving the community control sanction. The department of 3613  
rehabilitation and correction may place an offender sentenced to 3614  
a mandatory prison term under this division in an intensive 3615  
program prison established pursuant to section 5120.033 of the 3616  
Revised Code if the department gave the sentencing judge prior 3617  
notice of its intent to place the offender in an intensive 3618  
program prison established under that section and if the judge 3619  
did not notify the department that the judge disapproved the 3620  
placement. Upon the establishment of the initial intensive 3621  
program prison pursuant to section 5120.033 of the Revised Code 3622  
that is privately operated and managed by a contractor pursuant 3623  
to a contract entered into under section 9.06 of the Revised 3624  
Code, both of the following apply: 3625

(a) The department of rehabilitation and correction shall 3626  
make a reasonable effort to ensure that a sufficient number of 3627  
offenders sentenced to a mandatory prison term under this 3628  
division are placed in the privately operated and managed prison 3629  
so that the privately operated and managed prison has full 3630  
occupancy. 3631

(b) Unless the privately operated and managed prison has 3632  
full occupancy, the department of rehabilitation and correction 3633  
shall not place any offender sentenced to a mandatory prison 3634  
term under this division in any intensive program prison 3635  
established pursuant to section 5120.033 of the Revised Code 3636  
other than the privately operated and managed prison. 3637

(H) If an offender is being sentenced for a sexually 3638  
oriented offense or child-victim oriented offense that is a 3639

felony committed on or after January 1, 1997, the judge shall 3640  
require the offender to submit to a DNA specimen collection 3641  
procedure pursuant to section 2901.07 of the Revised Code. 3642

(I) If an offender is being sentenced for a sexually 3643  
oriented offense or a child-victim oriented offense committed on 3644  
or after January 1, 1997, the judge shall include in the 3645  
sentence a summary of the offender's duties imposed under 3646  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 3647  
Code and the duration of the duties. The judge shall inform the 3648  
offender, at the time of sentencing, of those duties and of 3649  
their duration. If required under division (A) (2) of section 3650  
2950.03 of the Revised Code, the judge shall perform the duties 3651  
specified in that section, or, if required under division (A) (6) 3652  
of section 2950.03 of the Revised Code, the judge shall perform 3653  
the duties specified in that division. 3654

(J) (1) Except as provided in division (J) (2) of this 3655  
section, when considering sentencing factors under this section 3656  
in relation to an offender who is convicted of or pleads guilty 3657  
to an attempt to commit an offense in violation of section 3658  
2923.02 of the Revised Code, the sentencing court shall consider 3659  
the factors applicable to the felony category of the violation 3660  
of section 2923.02 of the Revised Code instead of the factors 3661  
applicable to the felony category of the offense attempted. 3662

(2) When considering sentencing factors under this section 3663  
in relation to an offender who is convicted of or pleads guilty 3664  
to an attempt to commit a drug abuse offense for which the 3665  
penalty is determined by the amount or number of unit doses of 3666  
the controlled substance involved in the drug abuse offense, the 3667  
sentencing court shall consider the factors applicable to the 3668  
felony category that the drug abuse offense attempted would be 3669

if that drug abuse offense had been committed and had involved 3670  
an amount or number of unit doses of the controlled substance 3671  
that is within the next lower range of controlled substance 3672  
amounts than was involved in the attempt. 3673

(K) As used in this section: 3674

(1) "Community addiction services provider" has the same 3675  
meaning as in section 5119.01 of the Revised Code. 3676

(2) "Drug abuse offense" has the same meaning as in 3677  
section 2925.01 of the Revised Code. 3678

(3) "Minor drug possession offense" has the same meaning 3679  
as in section 2925.11 of the Revised Code. 3680

(4) "Qualifying assault offense" means a violation of 3681  
section 2903.13 of the Revised Code for which the penalty 3682  
provision in division (C) (8) (b) or (C) (9) (b) of that section 3683  
applies. 3684

(L) At the time of sentencing an offender for any sexually 3685  
oriented offense, if the offender is a tier III sex 3686  
offender/child-victim offender relative to that offense and the 3687  
offender does not serve a prison term or jail term, the court 3688  
may require that the offender be monitored by means of a global 3689  
positioning device. If the court requires such monitoring, the 3690  
cost of monitoring shall be borne by the offender. If the 3691  
offender is indigent, the cost of compliance shall be paid by 3692  
the crime victims reparations fund. 3693

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 3694  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 3695  
(E), (G), (H), (J), or (K) of this section or in division (D) (6) 3696  
of section 2919.25 of the Revised Code and except in relation to 3697  
an offense for which a sentence of death or life imprisonment is 3698

to be imposed, if the court imposing a sentence upon an offender 3699  
for a felony elects or is required to impose a prison term on 3700  
the offender pursuant to this chapter, the court shall impose a 3701  
definite prison term that shall be one of the following: 3702

(1) For a felony of the first degree, the prison term 3703  
shall be three, four, five, six, seven, eight, nine, ten, or 3704  
eleven years. 3705

(2) For a felony of the second degree, the prison term 3706  
shall be two, three, four, five, six, seven, or eight years. 3707

(3) (a) For a felony of the third degree that is a 3708  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 3709  
2907.05, or 3795.04 of the Revised Code or that is a violation 3710  
of section 2911.02 or 2911.12 of the Revised Code if the 3711  
offender previously has been convicted of or pleaded guilty in 3712  
two or more separate proceedings to two or more violations of 3713  
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 3714  
Code, the prison term shall be twelve, eighteen, twenty-four, 3715  
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 3716  
months. 3717

(b) For a felony of the third degree that is not an 3718  
offense for which division (A) (3) (a) of this section applies, 3719  
the prison term shall be nine, twelve, eighteen, twenty-four, 3720  
thirty, or thirty-six months. 3721

(4) For a felony of the fourth degree, the prison term 3722  
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 3723  
fourteen, fifteen, sixteen, seventeen, or eighteen months. 3724

(5) For a felony of the fifth degree, the prison term 3725  
shall be six, seven, eight, nine, ten, eleven, or twelve months. 3726

(B) (1) (a) Except as provided in division (B) (1) (e) of this 3727

section, if an offender who is convicted of or pleads guilty to 3728  
a felony also is convicted of or pleads guilty to a 3729  
specification of the type described in section 2941.141, 3730  
2941.144, or 2941.145 of the Revised Code, the court shall 3731  
impose on the offender one of the following prison terms: 3732

(i) A prison term of six years if the specification is of 3733  
the type described in division (A) of section 2941.144 of the 3734  
Revised Code that charges the offender with having a firearm 3735  
that is an automatic firearm or that was equipped with a firearm 3736  
muffler or suppressor on or about the offender's person or under 3737  
the offender's control while committing the offense; 3738

(ii) A prison term of three years if the specification is 3739  
of the type described in division (A) of section 2941.145 of the 3740  
Revised Code that charges the offender with having a firearm on 3741  
or about the offender's person or under the offender's control 3742  
while committing the offense and displaying the firearm, 3743  
brandishing the firearm, indicating that the offender possessed 3744  
the firearm, or using it to facilitate the offense; 3745

(iii) A prison term of one year if the specification is of 3746  
the type described in division (A) of section 2941.141 of the 3747  
Revised Code that charges the offender with having a firearm on 3748  
or about the offender's person or under the offender's control 3749  
while committing the offense; 3750

(iv) A prison term of nine years if the specification is 3751  
of the type described in division (D) of section 2941.144 of the 3752  
Revised Code that charges the offender with having a firearm 3753  
that is an automatic firearm or that was equipped with a firearm 3754  
muffler or suppressor on or about the offender's person or under 3755  
the offender's control while committing the offense and 3756  
specifies that the offender previously has been convicted of or 3757



pleaded guilty to a specification of the type described in 3758  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3759  
the Revised Code; 3760

(v) A prison term of fifty-four months if the 3761  
specification is of the type described in division (D) of 3762  
section 2941.145 of the Revised Code that charges the offender 3763  
with having a firearm on or about the offender's person or under 3764  
the offender's control while committing the offense and 3765  
displaying the firearm, brandishing the firearm, indicating that 3766  
the offender possessed the firearm, or using the firearm to 3767  
facilitate the offense and that the offender previously has been 3768  
convicted of or pleaded guilty to a specification of the type 3769  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 3770  
2941.1412 of the Revised Code; 3771

(vi) A prison term of eighteen months if the specification 3772  
is of the type described in division (D) of section 2941.141 of 3773  
the Revised Code that charges the offender with having a firearm 3774  
on or about the offender's person or under the offender's 3775  
control while committing the offense and that the offender 3776  
previously has been convicted of or pleaded guilty to a 3777  
specification of the type described in section 2941.141, 3778  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 3779

(b) If a court imposes a prison term on an offender under 3780  
division (B) (1) (a) of this section, the prison term shall not be 3781  
reduced pursuant to section 2967.19, section 2929.20, section 3782  
2967.193, or any other provision of Chapter 2967. or Chapter 3783  
5120. of the Revised Code. Except as provided in division (B) (1) 3784  
(g) of this section, a court shall not impose more than one 3785  
prison term on an offender under division (B) (1) (a) of this 3786  
section for felonies committed as part of the same act or 3787

transaction. 3788

(c) (i) Except as provided in division (B) (1) (e) of this 3789  
section, if an offender who is convicted of or pleads guilty to 3790  
a violation of section 2923.161 of the Revised Code or to a 3791  
felony that includes, as an essential element, purposely or 3792  
knowingly causing or attempting to cause the death of or 3793  
physical harm to another, also is convicted of or pleads guilty 3794  
to a specification of the type described in division (A) of 3795  
section 2941.146 of the Revised Code that charges the offender 3796  
with committing the offense by discharging a firearm from a 3797  
motor vehicle other than a manufactured home, the court, after 3798  
imposing a prison term on the offender for the violation of 3799  
section 2923.161 of the Revised Code or for the other felony 3800  
offense under division (A), (B) (2), or (B) (3) of this section, 3801  
shall impose an additional prison term of five years upon the 3802  
offender that shall not be reduced pursuant to section 2929.20, 3803  
section 2967.19, section 2967.193, or any other provision of 3804  
Chapter 2967. or Chapter 5120. of the Revised Code. 3805

(ii) Except as provided in division (B) (1) (e) of this 3806  
section, if an offender who is convicted of or pleads guilty to 3807  
a violation of section 2923.161 of the Revised Code or to a 3808  
felony that includes, as an essential element, purposely or 3809  
knowingly causing or attempting to cause the death of or 3810  
physical harm to another, also is convicted of or pleads guilty 3811  
to a specification of the type described in division (C) of 3812  
section 2941.146 of the Revised Code that charges the offender 3813  
with committing the offense by discharging a firearm from a 3814  
motor vehicle other than a manufactured home and that the 3815  
offender previously has been convicted of or pleaded guilty to a 3816  
specification of the type described in section 2941.141, 3817  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 3818

the court, after imposing a prison term on the offender for the 3819  
violation of section 2923.161 of the Revised Code or for the 3820  
other felony offense under division (A), (B) (2), or (3) of this 3821  
section, shall impose an additional prison term of ninety months 3822  
upon the offender that shall not be reduced pursuant to section 3823  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 3824  
2967. or Chapter 5120. of the Revised Code. 3825

(iii) A court shall not impose more than one additional 3826  
prison term on an offender under division (B) (1) (c) of this 3827  
section for felonies committed as part of the same act or 3828  
transaction. If a court imposes an additional prison term on an 3829  
offender under division (B) (1) (c) of this section relative to an 3830  
offense, the court also shall impose a prison term under 3831  
division (B) (1) (a) of this section relative to the same offense, 3832  
provided the criteria specified in that division for imposing an 3833  
additional prison term are satisfied relative to the offender 3834  
and the offense. 3835

(d) If an offender who is convicted of or pleads guilty to 3836  
an offense of violence that is a felony also is convicted of or 3837  
pleads guilty to a specification of the type described in 3838  
section 2941.1411 of the Revised Code that charges the offender 3839  
with wearing or carrying body armor while committing the felony 3840  
offense of violence, the court shall impose on the offender a 3841  
prison term of two years. The prison term so imposed, subject to 3842  
divisions (C) to (I) of section 2967.19 of the Revised Code, 3843  
shall not be reduced pursuant to section 2929.20, section 3844  
2967.19, section 2967.193, or any other provision of Chapter 3845  
2967. or Chapter 5120. of the Revised Code. A court shall not 3846  
impose more than one prison term on an offender under division 3847  
(B) (1) (d) of this section for felonies committed as part of the 3848  
same act or transaction. If a court imposes an additional prison 3849

term under division (B) (1) (a) or (c) of this section, the court 3850  
is not precluded from imposing an additional prison term under 3851  
division (B) (1) (d) of this section. 3852

(e) The court shall not impose any of the prison terms 3853  
described in division (B) (1) (a) of this section or any of the 3854  
additional prison terms described in division (B) (1) (c) of this 3855  
section upon an offender for a violation of section 2923.12 or 3856  
2923.123 of the Revised Code. The court shall not impose any of 3857  
the prison terms described in division (B) (1) (a) or (b) of this 3858  
section upon an offender for a violation of section 2923.122 3859  
that involves a deadly weapon that is a firearm other than a 3860  
dangerous ordnance, section 2923.16, or section 2923.121 of the 3861  
Revised Code. The court shall not impose any of the prison terms 3862  
described in division (B) (1) (a) of this section or any of the 3863  
additional prison terms described in division (B) (1) (c) of this 3864  
section upon an offender for a violation of section 2923.13 of 3865  
the Revised Code unless all of the following apply: 3866

(i) The offender previously has been convicted of 3867  
aggravated murder, murder, or any felony of the first or second 3868  
degree. 3869

(ii) Less than five years have passed since the offender 3870  
was released from prison or post-release control, whichever is 3871  
later, for the prior offense. 3872

(f) (i) If an offender is convicted of or pleads guilty to 3873  
a felony that includes, as an essential element, causing or 3874  
attempting to cause the death of or physical harm to another and 3875  
also is convicted of or pleads guilty to a specification of the 3876  
type described in division (A) of section 2941.1412 of the 3877  
Revised Code that charges the offender with committing the 3878  
offense by discharging a firearm at a peace officer as defined 3879

in section 2935.01 of the Revised Code or a corrections officer, 3880  
as defined in section 2941.1412 of the Revised Code, the court, 3881  
after imposing a prison term on the offender for the felony 3882  
offense under division (A), (B) (2), or (B) (3) of this section, 3883  
shall impose an additional prison term of seven years upon the 3884  
offender that shall not be reduced pursuant to section 2929.20, 3885  
section 2967.19, section 2967.193, or any other provision of 3886  
Chapter 2967. or Chapter 5120. of the Revised Code. 3887

(ii) If an offender is convicted of or pleads guilty to a 3888  
felony that includes, as an essential element, causing or 3889  
attempting to cause the death of or physical harm to another and 3890  
also is convicted of or pleads guilty to a specification of the 3891  
type described in division (B) of section 2941.1412 of the 3892  
Revised Code that charges the offender with committing the 3893  
offense by discharging a firearm at a peace officer, as defined 3894  
in section 2935.01 of the Revised Code, or a corrections 3895  
officer, as defined in section 2941.1412 of the Revised Code, 3896  
and that the offender previously has been convicted of or 3897  
pleaded guilty to a specification of the type described in 3898  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3899  
the Revised Code, the court, after imposing a prison term on the 3900  
offender for the felony offense under division (A), (B) (2), or 3901  
(3) of this section, shall impose an additional prison term of 3902  
one hundred twenty-six months upon the offender that shall not 3903  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 3904  
any other provision of Chapter 2967. or 5120. of the Revised 3905  
Code. 3906

(iii) If an offender is convicted of or pleads guilty to 3907  
two or more felonies that include, as an essential element, 3908  
causing or attempting to cause the death or physical harm to 3909  
another and also is convicted of or pleads guilty to a 3910

specification of the type described under division (B) (1) (f) of 3911  
this section in connection with two or more of the felonies of 3912  
which the offender is convicted or to which the offender pleads 3913  
guilty, the sentencing court shall impose on the offender the 3914  
prison term specified under division (B) (1) (f) of this section 3915  
for each of two of the specifications of which the offender is 3916  
convicted or to which the offender pleads guilty and, in its 3917  
discretion, also may impose on the offender the prison term 3918  
specified under that division for any or all of the remaining 3919  
specifications. If a court imposes an additional prison term on 3920  
an offender under division (B) (1) (f) of this section relative to 3921  
an offense, the court shall not impose a prison term under 3922  
division (B) (1) (a) or (c) of this section relative to the same 3923  
offense. 3924

(g) If an offender is convicted of or pleads guilty to two 3925  
or more felonies, if one or more of those felonies are 3926  
aggravated murder, murder, attempted aggravated murder, 3927  
attempted murder, aggravated robbery, felonious assault, or 3928  
rape, and if the offender is convicted of or pleads guilty to a 3929  
specification of the type described under division (B) (1) (a) of 3930  
this section in connection with two or more of the felonies, the 3931  
sentencing court shall impose on the offender the prison term 3932  
specified under division (B) (1) (a) of this section for each of 3933  
the two most serious specifications of which the offender is 3934  
convicted or to which the offender pleads guilty and, in its 3935  
discretion, also may impose on the offender the prison term 3936  
specified under that division for any or all of the remaining 3937  
specifications. 3938

(2) (a) If division (B) (2) (b) of this section does not 3939  
apply, the court may impose on an offender, in addition to the 3940  
longest prison term authorized or required for the offense, an 3941

additional definite prison term of one, two, three, four, five, 3942  
six, seven, eight, nine, or ten years if all of the following 3943  
criteria are met: 3944

(i) The offender is convicted of or pleads guilty to a 3945  
specification of the type described in section 2941.149 of the 3946  
Revised Code that the offender is a repeat violent offender. 3947

(ii) The offense of which the offender currently is 3948  
convicted or to which the offender currently pleads guilty is 3949  
aggravated murder and the court does not impose a sentence of 3950  
death or life imprisonment without parole, murder, terrorism and 3951  
the court does not impose a sentence of life imprisonment 3952  
without parole, any felony of the first degree that is an 3953  
offense of violence and the court does not impose a sentence of 3954  
life imprisonment without parole, or any felony of the second 3955  
degree that is an offense of violence and the trier of fact 3956  
finds that the offense involved an attempt to cause or a threat 3957  
to cause serious physical harm to a person or resulted in 3958  
serious physical harm to a person. 3959

(iii) The court imposes the longest prison term for the 3960  
offense that is not life imprisonment without parole. 3961

(iv) The court finds that the prison terms imposed 3962  
pursuant to division (B)(2)(a)(iii) of this section and, if 3963  
applicable, division (B)(1) or (3) of this section are 3964  
inadequate to punish the offender and protect the public from 3965  
future crime, because the applicable factors under section 3966  
2929.12 of the Revised Code indicating a greater likelihood of 3967  
recidivism outweigh the applicable factors under that section 3968  
indicating a lesser likelihood of recidivism. 3969

(v) The court finds that the prison terms imposed pursuant 3970

to division (B) (2) (a) (iii) of this section and, if applicable, 3971  
division (B) (1) or (3) of this section are demeaning to the 3972  
seriousness of the offense, because one or more of the factors 3973  
under section 2929.12 of the Revised Code indicating that the 3974  
offender's conduct is more serious than conduct normally 3975  
constituting the offense are present, and they outweigh the 3976  
applicable factors under that section indicating that the 3977  
offender's conduct is less serious than conduct normally 3978  
constituting the offense. 3979

(b) The court shall impose on an offender the longest 3980  
prison term authorized or required for the offense and shall 3981  
impose on the offender an additional definite prison term of 3982  
one, two, three, four, five, six, seven, eight, nine, or ten 3983  
years if all of the following criteria are met: 3984

(i) The offender is convicted of or pleads guilty to a 3985  
specification of the type described in section 2941.149 of the 3986  
Revised Code that the offender is a repeat violent offender. 3987

(ii) The offender within the preceding twenty years has 3988  
been convicted of or pleaded guilty to three or more offenses 3989  
described in division (CC) (1) of section 2929.01 of the Revised 3990  
Code, including all offenses described in that division of which 3991  
the offender is convicted or to which the offender pleads guilty 3992  
in the current prosecution and all offenses described in that 3993  
division of which the offender previously has been convicted or 3994  
to which the offender previously pleaded guilty, whether 3995  
prosecuted together or separately. 3996

(iii) The offense or offenses of which the offender 3997  
currently is convicted or to which the offender currently pleads 3998  
guilty is aggravated murder and the court does not impose a 3999  
sentence of death or life imprisonment without parole, murder, 4000



terrorism and the court does not impose a sentence of life 4001  
imprisonment without parole, any felony of the first degree that 4002  
is an offense of violence and the court does not impose a 4003  
sentence of life imprisonment without parole, or any felony of 4004  
the second degree that is an offense of violence and the trier 4005  
of fact finds that the offense involved an attempt to cause or a 4006  
threat to cause serious physical harm to a person or resulted in 4007  
serious physical harm to a person. 4008

(c) For purposes of division (B) (2) (b) of this section, 4009  
two or more offenses committed at the same time or as part of 4010  
the same act or event shall be considered one offense, and that 4011  
one offense shall be the offense with the greatest penalty. 4012

(d) A sentence imposed under division (B) (2) (a) or (b) of 4013  
this section shall not be reduced pursuant to section 2929.20, 4014  
section 2967.19, or section 2967.193, or any other provision of 4015  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 4016  
shall serve an additional prison term imposed under this section 4017  
consecutively to and prior to the prison term imposed for the 4018  
underlying offense. 4019

(e) When imposing a sentence pursuant to division (B) (2) 4020  
(a) or (b) of this section, the court shall state its findings 4021  
explaining the imposed sentence. 4022

(3) Except when an offender commits a violation of section 4023  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 4024  
for the violation is life imprisonment or commits a violation of 4025  
section 2903.02 of the Revised Code, if the offender commits a 4026  
violation of section 2925.03 or 2925.11 of the Revised Code and 4027  
that section classifies the offender as a major drug offender, 4028  
if the offender commits a violation of section 2925.05 of the 4029  
Revised Code and division (E) (1) of that section classifies the 4030

offender as a major drug offender, if the offender commits a 4031  
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 4032  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 4033  
division (C) or (D) of section 3719.172, division (E) of section 4034  
4729.51, or division (J) of section 4729.54 of the Revised Code 4035  
that includes the sale, offer to sell, or possession of a 4036  
schedule I or II controlled substance, with the exception of 4037  
marihuana, and the court imposing sentence upon the offender 4038  
finds that the offender is guilty of a specification of the type 4039  
described in division (A) of section 2941.1410 of the Revised 4040  
Code charging that the offender is a major drug offender, if the 4041  
court imposing sentence upon an offender for a felony finds that 4042  
the offender is guilty of corrupt activity with the most serious 4043  
offense in the pattern of corrupt activity being a felony of the 4044  
first degree, or if the offender is guilty of an attempted 4045  
violation of section 2907.02 of the Revised Code and, had the 4046  
offender completed the violation of section 2907.02 of the 4047  
Revised Code that was attempted, the offender would have been 4048  
subject to a sentence of life imprisonment or life imprisonment 4049  
without parole for the violation of section 2907.02 of the 4050  
Revised Code, the court shall impose upon the offender for the 4051  
felony violation a mandatory prison term of the maximum prison 4052  
term prescribed for a felony of the first degree that, subject 4053  
to divisions (C) to (I) of section 2967.19 of the Revised Code, 4054  
cannot be reduced pursuant to section 2929.20, section 2967.19, 4055  
or any other provision of Chapter 2967. or 5120. of the Revised 4056  
Code. 4057

(4) If the offender is being sentenced for a third or 4058  
fourth degree felony OVI offense under division (G) (2) of 4059  
section 2929.13 of the Revised Code, the sentencing court shall 4060  
impose upon the offender a mandatory prison term in accordance 4061

with that division. In addition to the mandatory prison term, if 4062  
the offender is being sentenced for a fourth degree felony OVI 4063  
offense, the court, notwithstanding division (A) (4) of this 4064  
section, may sentence the offender to a definite prison term of 4065  
not less than six months and not more than thirty months, and if 4066  
the offender is being sentenced for a third degree felony OVI 4067  
offense, the sentencing court may sentence the offender to an 4068  
additional prison term of any duration specified in division (A) 4069  
(3) of this section. In either case, the additional prison term 4070  
imposed shall be reduced by the sixty or one hundred twenty days 4071  
imposed upon the offender as the mandatory prison term. The 4072  
total of the additional prison term imposed under division (B) 4073  
(4) of this section plus the sixty or one hundred twenty days 4074  
imposed as the mandatory prison term shall equal a definite term 4075  
in the range of six months to thirty months for a fourth degree 4076  
felony OVI offense and shall equal one of the authorized prison 4077  
terms specified in division (A) (3) of this section for a third 4078  
degree felony OVI offense. If the court imposes an additional 4079  
prison term under division (B) (4) of this section, the offender 4080  
shall serve the additional prison term after the offender has 4081  
served the mandatory prison term required for the offense. In 4082  
addition to the mandatory prison term or mandatory and 4083  
additional prison term imposed as described in division (B) (4) 4084  
of this section, the court also may sentence the offender to a 4085  
community control sanction under section 2929.16 or 2929.17 of 4086  
the Revised Code, but the offender shall serve all of the prison 4087  
terms so imposed prior to serving the community control 4088  
sanction. 4089

If the offender is being sentenced for a fourth degree 4090  
felony OVI offense under division (G) (1) of section 2929.13 of 4091  
the Revised Code and the court imposes a mandatory term of local 4092

incarceration, the court may impose a prison term as described 4093  
in division (A) (1) of that section. 4094

(5) If an offender is convicted of or pleads guilty to a 4095  
violation of division (A) (1) or (2) of section 2903.06 of the 4096  
Revised Code and also is convicted of or pleads guilty to a 4097  
specification of the type described in section 2941.1414 of the 4098  
Revised Code that charges that the victim of the offense is a 4099  
peace officer, as defined in section 2935.01 of the Revised 4100  
Code, or an investigator of the bureau of criminal 4101  
identification and investigation, as defined in section 2903.11 4102  
of the Revised Code, the court shall impose on the offender a 4103  
prison term of five years. If a court imposes a prison term on 4104  
an offender under division (B) (5) of this section, the prison 4105  
term, subject to divisions (C) to (I) of section 2967.19 of the 4106  
Revised Code, shall not be reduced pursuant to section 2929.20, 4107  
section 2967.19, section 2967.193, or any other provision of 4108  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 4109  
shall not impose more than one prison term on an offender under 4110  
division (B) (5) of this section for felonies committed as part 4111  
of the same act. 4112

(6) If an offender is convicted of or pleads guilty to a 4113  
violation of division (A) (1) or (2) of section 2903.06 of the 4114  
Revised Code and also is convicted of or pleads guilty to a 4115  
specification of the type described in section 2941.1415 of the 4116  
Revised Code that charges that the offender previously has been 4117  
convicted of or pleaded guilty to three or more violations of 4118  
division (A) or (B) of section 4511.19 of the Revised Code or an 4119  
equivalent offense, as defined in section 2941.1415 of the 4120  
Revised Code, or three or more violations of any combination of 4121  
those divisions and offenses, the court shall impose on the 4122  
offender a prison term of three years. If a court imposes a 4123

prison term on an offender under division (B) (6) of this 4124  
section, the prison term, subject to divisions (C) to (I) of 4125  
section 2967.19 of the Revised Code, shall not be reduced 4126  
pursuant to section 2929.20, section 2967.19, section 2967.193, 4127  
or any other provision of Chapter 2967. or Chapter 5120. of the 4128  
Revised Code. A court shall not impose more than one prison term 4129  
on an offender under division (B) (6) of this section for 4130  
felonies committed as part of the same act. 4131

(7) (a) If an offender is convicted of or pleads guilty to 4132  
a felony violation of section 2905.01, 2905.02, 2907.21, 4133  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 4134  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 4135  
the Revised Code and also is convicted of or pleads guilty to a 4136  
specification of the type described in section 2941.1422 of the 4137  
Revised Code that charges that the offender knowingly committed 4138  
the offense in furtherance of human trafficking, the court shall 4139  
impose on the offender a mandatory prison term that is one of 4140  
the following: 4141

(i) If the offense is a felony of the first degree, a 4142  
definite prison term of not less than five years and not greater 4143  
than ten years; 4144

(ii) If the offense is a felony of the second or third 4145  
degree, a definite prison term of not less than three years and 4146  
not greater than the maximum prison term allowed for the offense 4147  
by division (A) of section 2929.14 of the Revised Code; 4148

(iii) If the offense is a felony of the fourth or fifth 4149  
degree, a definite prison term that is the maximum prison term 4150  
allowed for the offense by division (A) of section 2929.14 of 4151  
the Revised Code. 4152

(b) Subject to divisions (C) to (I) of section 2967.19 of 4153  
the Revised Code, the prison term imposed under division (B) (7) 4154  
(a) of this section shall not be reduced pursuant to section 4155  
2929.20, section 2967.19, section 2967.193, or any other 4156  
provision of Chapter 2967. of the Revised Code. A court shall 4157  
not impose more than one prison term on an offender under 4158  
division (B) (7) (a) of this section for felonies committed as 4159  
part of the same act, scheme, or plan. 4160

(8) If an offender is convicted of or pleads guilty to a 4161  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 4162  
Revised Code and also is convicted of or pleads guilty to a 4163  
specification of the type described in section 2941.1423 of the 4164  
Revised Code that charges that the victim of the violation was a 4165  
woman whom the offender knew was pregnant at the time of the 4166  
violation, notwithstanding the range of prison terms prescribed 4167  
in division (A) of this section for felonies of the same degree 4168  
as the violation, the court shall impose on the offender a 4169  
mandatory prison term that is either a definite prison term of 4170  
six months or one of the prison terms prescribed in section 4171  
2929.14 of the Revised Code for felonies of the same degree as 4172  
the violation. 4173

(9) If an offender is convicted of or pleads guilty to a 4174  
felony violation of section 2925.03 or 2925.05 of the Revised 4175  
Code or a felony violation of section 2925.11 of the Revised 4176  
Code for which division (C) (10) of that section applies in 4177  
determining the sentence for the violation, if the drug involved 4178  
in the violation is a fentanyl-related compound or a compound, 4179  
mixture, preparation, or substance containing a fentanyl-related 4180  
compound, and if the offender also is convicted of or pleads 4181  
guilty to a specification of the type described in division (B) 4182  
of section 2941.1410 of the Revised Code that charges that the 4183

offender is a major drug offender, in addition to any other 4184  
penalty imposed for the violation, the court shall impose on the 4185  
offender a mandatory prison term of three, four, five, six, 4186  
seven, or eight years. If a court imposes a prison term on an 4187  
offender under division (B)(9) of this section, the prison term, 4188  
subject to divisions (C) to (I) of section 2967.19 of the 4189  
Revised Code, shall not be reduced pursuant to section 2929.20, 4190  
2967.19, or 2967.193, or any other provision of Chapter 2967. or 4191  
5120. of the Revised Code. A court shall not impose more than 4192  
one prison term on an offender under division (B)(9) of this 4193  
section for felonies committed as part of the same act. 4194

(C) (1) (a) Subject to division (C) (1) (b) of this section, 4195  
if a mandatory prison term is imposed upon an offender pursuant 4196  
to division (B) (1) (a) of this section for having a firearm on or 4197  
about the offender's person or under the offender's control 4198  
while committing a felony, if a mandatory prison term is imposed 4199  
upon an offender pursuant to division (B) (1) (c) of this section 4200  
for committing a felony specified in that division by 4201  
discharging a firearm from a motor vehicle, or if both types of 4202  
mandatory prison terms are imposed, the offender shall serve any 4203  
mandatory prison term imposed under either division 4204  
consecutively to any other mandatory prison term imposed under 4205  
either division or under division (B) (1) (d) of this section, 4206  
consecutively to and prior to any prison term imposed for the 4207  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 4208  
this section or any other section of the Revised Code, and 4209  
consecutively to any other prison term or mandatory prison term 4210  
previously or subsequently imposed upon the offender. 4211

(b) If a mandatory prison term is imposed upon an offender 4212  
pursuant to division (B) (1) (d) of this section for wearing or 4213  
carrying body armor while committing an offense of violence that 4214

is a felony, the offender shall serve the mandatory term so 4215  
imposed consecutively to any other mandatory prison term imposed 4216  
under that division or under division (B) (1) (a) or (c) of this 4217  
section, consecutively to and prior to any prison term imposed 4218  
for the underlying felony under division (A), (B) (2), or (B) (3) 4219  
of this section or any other section of the Revised Code, and 4220  
consecutively to any other prison term or mandatory prison term 4221  
previously or subsequently imposed upon the offender. 4222

(c) If a mandatory prison term is imposed upon an offender 4223  
pursuant to division (B) (1) (f) of this section, the offender 4224  
shall serve the mandatory prison term so imposed consecutively 4225  
to and prior to any prison term imposed for the underlying 4226  
felony under division (A), (B) (2), or (B) (3) of this section or 4227  
any other section of the Revised Code, and consecutively to any 4228  
other prison term or mandatory prison term previously or 4229  
subsequently imposed upon the offender. 4230

(d) If a mandatory prison term is imposed upon an offender 4231  
pursuant to division (B) (7) or (8) of this section, the offender 4232  
shall serve the mandatory prison term so imposed consecutively 4233  
to any other mandatory prison term imposed under that division 4234  
or under any other provision of law and consecutively to any 4235  
other prison term or mandatory prison term previously or 4236  
subsequently imposed upon the offender. 4237

(e) If a mandatory prison term is imposed upon an offender 4238  
pursuant to division (B) (9) of this section, the offender shall 4239  
serve the mandatory prison term consecutively to any other 4240  
mandatory prison term imposed under that division, consecutively 4241  
to and prior to any prison term imposed for the underlying 4242  
felony, and consecutively to any other prison term or mandatory 4243  
prison term previously or subsequently imposed upon the 4244



offender. 4245

(2) If an offender who is an inmate in a jail, prison, or 4246  
other residential detention facility violates section 2917.02, 4247  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 4248  
(2) of section 2921.34 of the Revised Code, if an offender who 4249  
is under detention at a detention facility commits a felony 4250  
violation of section 2923.131 of the Revised Code, or if an 4251  
offender who is an inmate in a jail, prison, or other 4252  
residential detention facility or is under detention at a 4253  
detention facility commits another felony while the offender is 4254  
an escapee in violation of division (A) (1) or (2) of section 4255  
2921.34 of the Revised Code, any prison term imposed upon the 4256  
offender for one of those violations shall be served by the 4257  
offender consecutively to the prison term or term of 4258  
imprisonment the offender was serving when the offender 4259  
committed that offense and to any other prison term previously 4260  
or subsequently imposed upon the offender. 4261

(3) If a prison term is imposed for a violation of 4262  
division (B) of section 2911.01 of the Revised Code, a violation 4263  
of division (A) of section 2913.02 of the Revised Code in which 4264  
the stolen property is a firearm or dangerous ordnance, or a 4265  
felony violation of division (B) of section 2921.331 of the 4266  
Revised Code, the offender shall serve that prison term 4267  
consecutively to any other prison term or mandatory prison term 4268  
previously or subsequently imposed upon the offender. 4269

(4) If multiple prison terms are imposed on an offender 4270  
for convictions of multiple offenses, the court may require the 4271  
offender to serve the prison terms consecutively if the court 4272  
finds that the consecutive service is necessary to protect the 4273  
public from future crime or to punish the offender and that 4274

consecutive sentences are not disproportionate to the 4275  
seriousness of the offender's conduct and to the danger the 4276  
offender poses to the public, and if the court also finds any of 4277  
the following: 4278

(a) The offender committed one or more of the multiple 4279  
offenses while the offender was awaiting trial or sentencing, 4280  
was under a sanction imposed pursuant to section 2929.16, 4281  
2929.17, or 2929.18 of the Revised Code, or was under post- 4282  
release control for a prior offense. 4283

(b) At least two of the multiple offenses were committed 4284  
as part of one or more courses of conduct, and the harm caused 4285  
by two or more of the multiple offenses so committed was so 4286  
great or unusual that no single prison term for any of the 4287  
offenses committed as part of any of the courses of conduct 4288  
adequately reflects the seriousness of the offender's conduct. 4289

(c) The offender's history of criminal conduct 4290  
demonstrates that consecutive sentences are necessary to protect 4291  
the public from future crime by the offender. 4292

(5) If a mandatory prison term is imposed upon an offender 4293  
pursuant to division (B) (5) or (6) of this section, the offender 4294  
shall serve the mandatory prison term consecutively to and prior 4295  
to any prison term imposed for the underlying violation of 4296  
division (A) (1) or (2) of section 2903.06 of the Revised Code 4297  
pursuant to division (A) of this section or section 2929.142 of 4298  
the Revised Code. If a mandatory prison term is imposed upon an 4299  
offender pursuant to division (B) (5) of this section, and if a 4300  
mandatory prison term also is imposed upon the offender pursuant 4301  
to division (B) (6) of this section in relation to the same 4302  
violation, the offender shall serve the mandatory prison term 4303  
imposed pursuant to division (B) (5) of this section 4304

consecutively to and prior to the mandatory prison term imposed 4305  
pursuant to division (B) (6) of this section and consecutively to 4306  
and prior to any prison term imposed for the underlying 4307  
violation of division (A) (1) or (2) of section 2903.06 of the 4308  
Revised Code pursuant to division (A) of this section or section 4309  
2929.142 of the Revised Code. 4310

(6) Any prison term imposed for a violation of section 4311  
2903.04 of the Revised Code that is based on a violation of 4312  
section 2925.03 or 2925.11 of the Revised Code or on a violation 4313  
of section 2925.05 of the Revised Code that is not funding of 4314  
marihuana trafficking shall run consecutively to any prison term 4315  
imposed for the violation of section 2925.03 or 2925.11 of the 4316  
Revised Code or for the violation of section 2925.05 of the 4317  
Revised Code that is not funding of marihuana trafficking. 4318

(7) When consecutive prison terms are imposed pursuant to 4319  
division (C) (1), (2), (3), (4), ~~or~~ (5), or (6) or division (H) 4320  
(1) or (2) of this section, the term to be served is the 4321  
aggregate of all of the terms so imposed. 4322

(D) (1) If a court imposes a prison term for a felony of 4323  
the first degree, for a felony of the second degree, for a 4324  
felony sex offense, or for a felony of the third degree that is 4325  
not a felony sex offense and in the commission of which the 4326  
offender caused or threatened to cause physical harm to a 4327  
person, it shall include in the sentence a requirement that the 4328  
offender be subject to a period of post-release control after 4329  
the offender's release from imprisonment, in accordance with 4330  
that division. If a court imposes a sentence including a prison 4331  
term of a type described in this division on or after July 11, 4332  
2006, the failure of a court to include a post-release control 4333  
requirement in the sentence pursuant to this division does not 4334

negate, limit, or otherwise affect the mandatory period of post- 4335  
release control that is required for the offender under division 4336  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 4337  
the Revised Code applies if, prior to July 11, 2006, a court 4338  
imposed a sentence including a prison term of a type described 4339  
in this division and failed to include in the sentence pursuant 4340  
to this division a statement regarding post-release control. 4341

(2) If a court imposes a prison term for a felony of the 4342  
third, fourth, or fifth degree that is not subject to division 4343  
(D)(1) of this section, it shall include in the sentence a 4344  
requirement that the offender be subject to a period of post- 4345  
release control after the offender's release from imprisonment, 4346  
in accordance with that division, if the parole board determines 4347  
that a period of post-release control is necessary. Section 4348  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 4349  
a court imposed a sentence including a prison term of a type 4350  
described in this division and failed to include in the sentence 4351  
pursuant to this division a statement regarding post-release 4352  
control. 4353

(E) The court shall impose sentence upon the offender in 4354  
accordance with section 2971.03 of the Revised Code, and Chapter 4355  
2971. of the Revised Code applies regarding the prison term or 4356  
term of life imprisonment without parole imposed upon the 4357  
offender and the service of that term of imprisonment if any of 4358  
the following apply: 4359

(1) A person is convicted of or pleads guilty to a violent 4360  
sex offense or a designated homicide, assault, or kidnapping 4361  
offense, and, in relation to that offense, the offender is 4362  
adjudicated a sexually violent predator. 4363

(2) A person is convicted of or pleads guilty to a 4364

violation of division (A) (1) (b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code.

(3) A person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.

(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.

(6) A person is convicted of or pleads guilty to murder committed on or after January 1, 2008, and division (B) (2) of section 2929.02 of the Revised Code requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(F) If a person who has been convicted of or pleaded 4394  
guilty to a felony is sentenced to a prison term or term of 4395  
imprisonment under this section, sections 2929.02 to 2929.06 of 4396  
the Revised Code, section 2929.142 of the Revised Code, section 4397  
2971.03 of the Revised Code, or any other provision of law, 4398  
section 5120.163 of the Revised Code applies regarding the 4399  
person while the person is confined in a state correctional 4400  
institution. 4401

(G) If an offender who is convicted of or pleads guilty to 4402  
a felony that is an offense of violence also is convicted of or 4403  
pleads guilty to a specification of the type described in 4404  
section 2941.142 of the Revised Code that charges the offender 4405  
with having committed the felony while participating in a 4406  
criminal gang, the court shall impose upon the offender an 4407  
additional prison term of one, two, or three years. 4408

(H) (1) If an offender who is convicted of or pleads guilty 4409  
to aggravated murder, murder, or a felony of the first, second, 4410  
or third degree that is an offense of violence also is convicted 4411  
of or pleads guilty to a specification of the type described in 4412  
section 2941.143 of the Revised Code that charges the offender 4413  
with having committed the offense in a school safety zone or 4414  
towards a person in a school safety zone, the court shall impose 4415  
upon the offender an additional prison term of two years. The 4416  
offender shall serve the additional two years consecutively to 4417  
and prior to the prison term imposed for the underlying offense. 4418

(2) (a) If an offender is convicted of or pleads guilty to 4419  
a felony violation of section 2907.22, 2907.24, 2907.241, or 4420  
2907.25 of the Revised Code and to a specification of the type 4421  
described in section 2941.1421 of the Revised Code and if the 4422  
court imposes a prison term on the offender for the felony 4423

violation, the court may impose upon the offender an additional 4424  
prison term as follows: 4425

(i) Subject to division (H) (2) (a) (ii) of this section, an 4426  
additional prison term of one, two, three, four, five, or six 4427  
months; 4428

(ii) If the offender previously has been convicted of or 4429  
pleaded guilty to one or more felony or misdemeanor violations 4430  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 4431  
the Revised Code and also was convicted of or pleaded guilty to 4432  
a specification of the type described in section 2941.1421 of 4433  
the Revised Code regarding one or more of those violations, an 4434  
additional prison term of one, two, three, four, five, six, 4435  
seven, eight, nine, ten, eleven, or twelve months. 4436

(b) In lieu of imposing an additional prison term under 4437  
division (H) (2) (a) of this section, the court may directly 4438  
impose on the offender a sanction that requires the offender to 4439  
wear a real-time processing, continual tracking electronic 4440  
monitoring device during the period of time specified by the 4441  
court. The period of time specified by the court shall equal the 4442  
duration of an additional prison term that the court could have 4443  
imposed upon the offender under division (H) (2) (a) of this 4444  
section. A sanction imposed under this division shall commence 4445  
on the date specified by the court, provided that the sanction 4446  
shall not commence until after the offender has served the 4447  
prison term imposed for the felony violation of section 2907.22, 4448  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 4449  
residential sanction imposed for the violation under section 4450  
2929.16 of the Revised Code. A sanction imposed under this 4451  
division shall be considered to be a community control sanction 4452  
for purposes of section 2929.15 of the Revised Code, and all 4453

provisions of the Revised Code that pertain to community control 4454  
sanctions shall apply to a sanction imposed under this division, 4455  
except to the extent that they would by their nature be clearly 4456  
inapplicable. The offender shall pay all costs associated with a 4457  
sanction imposed under this division, including the cost of the 4458  
use of the monitoring device. 4459

(I) At the time of sentencing, the court may recommend the 4460  
offender for placement in a program of shock incarceration under 4461  
section 5120.031 of the Revised Code or for placement in an 4462  
intensive program prison under section 5120.032 of the Revised 4463  
Code, disapprove placement of the offender in a program of shock 4464  
incarceration or an intensive program prison of that nature, or 4465  
make no recommendation on placement of the offender. In no case 4466  
shall the department of rehabilitation and correction place the 4467  
offender in a program or prison of that nature unless the 4468  
department determines as specified in section 5120.031 or 4469  
5120.032 of the Revised Code, whichever is applicable, that the 4470  
offender is eligible for the placement. 4471

If the court disapproves placement of the offender in a 4472  
program or prison of that nature, the department of 4473  
rehabilitation and correction shall not place the offender in 4474  
any program of shock incarceration or intensive program prison. 4475

If the court recommends placement of the offender in a 4476  
program of shock incarceration or in an intensive program 4477  
prison, and if the offender is subsequently placed in the 4478  
recommended program or prison, the department shall notify the 4479  
court of the placement and shall include with the notice a brief 4480  
description of the placement. 4481

If the court recommends placement of the offender in a 4482  
program of shock incarceration or in an intensive program prison 4483



and the department does not subsequently place the offender in 4484  
the recommended program or prison, the department shall send a 4485  
notice to the court indicating why the offender was not placed 4486  
in the recommended program or prison. 4487

If the court does not make a recommendation under this 4488  
division with respect to an offender and if the department 4489  
determines as specified in section 5120.031 or 5120.032 of the 4490  
Revised Code, whichever is applicable, that the offender is 4491  
eligible for placement in a program or prison of that nature, 4492  
the department shall screen the offender and determine if there 4493  
is an available program of shock incarceration or an intensive 4494  
program prison for which the offender is suited. If there is an 4495  
available program of shock incarceration or an intensive program 4496  
prison for which the offender is suited, the department shall 4497  
notify the court of the proposed placement of the offender as 4498  
specified in section 5120.031 or 5120.032 of the Revised Code 4499  
and shall include with the notice a brief description of the 4500  
placement. The court shall have ten days from receipt of the 4501  
notice to disapprove the placement. 4502

(J) If a person is convicted of or pleads guilty to 4503  
aggravated vehicular homicide in violation of division (A) (1) of 4504  
section 2903.06 of the Revised Code and division (B) (2) (c) of 4505  
that section applies, the person shall be sentenced pursuant to 4506  
section 2929.142 of the Revised Code. 4507

(K) (1) The court shall impose an additional mandatory 4508  
prison term of two, three, four, five, six, seven, eight, nine, 4509  
ten, or eleven years on an offender who is convicted of or 4510  
pleads guilty to a violent felony offense if the offender also 4511  
is convicted of or pleads guilty to a specification of the type 4512  
described in section 2941.1424 of the Revised Code that charges 4513

that the offender is a violent career criminal and had a firearm 4514  
on or about the offender's person or under the offender's 4515  
control while committing the presently charged violent felony 4516  
offense and displayed or brandished the firearm, indicated that 4517  
the offender possessed a firearm, or used the firearm to 4518  
facilitate the offense. The offender shall serve the prison term 4519  
imposed under this division consecutively to and prior to the 4520  
prison term imposed for the underlying offense. The prison term 4521  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 4522  
any other provision of Chapter 2967. or 5120. of the Revised 4523  
Code. A court may not impose more than one sentence under 4524  
division (B) (2) (a) of this section and this division for acts 4525  
committed as part of the same act or transaction. 4526

(2) As used in division (K) (1) of this section, "violent 4527  
career criminal" and "violent felony offense" have the same 4528  
meanings as in section 2923.132 of the Revised Code. 4529

**Sec. 2941.1410.** (A) Except as provided in sections 2925.03 4530  
and 2925.11 and division (E) (1) of section 2925.05 of the 4531  
Revised Code, the determination by a court that an offender is a 4532  
major drug offender is precluded unless the indictment, count in 4533  
the indictment, or information charging the offender specifies 4534  
that the offender is a major drug offender. The specification 4535  
shall be stated at the end of the body of the indictment, count, 4536  
or information, and shall be stated in substantially the 4537  
following form: 4538

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4539  
Grand Jurors (or insert the person's or prosecuting attorney's 4540  
name when appropriate) further find and specify that (set forth 4541  
that the offender is a major drug offender)." 4542

(B) Imposition of a three, four, five, six, seven, or 4543

eight-year mandatory prison term upon an offender under division 4544  
(B) (9) of section 2929.14 of the Revised Code, pursuant to 4545  
determination by a court that an offender is a major drug 4546  
offender, is precluded unless the indictment, count in the 4547  
indictment, or information charging the offender with the 4548  
violation of section 2925.03, 2925.05, or 2925.11 of the Revised 4549  
Code specifies that the offender is a major drug offender and 4550  
that the drug involved in the violation is a fentanyl-related 4551  
compound or a compound, mixture, preparation, or substance 4552  
containing a fentanyl-related compound. The specification shall 4553  
be stated at the end of the body of the indictment, count, or 4554  
information, and shall be stated in substantially the following 4555  
form: 4556

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4557  
Grand Jurors (or insert the person's or prosecuting attorney's 4558  
name when appropriate) further find and specify that (set forth 4559  
that the offender is a major drug offender and the drug involved 4560  
in the violation is a fentanyl-related compound or a compound, 4561  
mixture, preparation, or substance containing a fentanyl-related 4562  
compound)." 4563

(C) The court shall determine the issue of whether an 4564  
offender is a major drug offender. 4565

~~(C)~~ (D) As used in this section, "major drug offender" has 4566  
the same meaning as in section 2929.01 of the Revised Code. 4567

**Sec. 3719.41.** Controlled substance schedules I, II, III, 4568  
IV, and V are hereby established, which schedules include the 4569  
following, subject to amendment pursuant to section 3719.43 or 4570  
3719.44 of the Revised Code. 4571

SCHEDULE I 4572

(A) Narcotics-opiates	4573
Any of the following opiates, including their isomers,	4574
esters, ethers, salts, and salts of isomers, esters, and ethers,	4575
unless specifically excepted under federal drug abuse control	4576
laws, whenever the existence of these isomers, esters, ethers,	4577
and salts is possible within the specific chemical designation:	4578
(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-	4579
phenethyl)-4-piperidinyl]-N-phenylacetamide);	4580
(2) Acetylmethadol;	4581
(3) Allylprodine;	4582
(4) Alphacetylmethadol (except levo-alphacetylmethadol,	4583
also known as levo-alpha-acetylmethadol, levomethadyl acetate,	4584
or LAAM);	4585
(5) Alphameprodine;	4586
(6) Alphamethadol;	4587
(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	4588
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-	4589
phenylethyl)-4-(N-propanilido) piperidine);	4590
(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	4591
thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);	4592
(9) Benzethidine;	4593
(10) Betacetylmethadol;	4594
(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	4595
piperidinyl]-N- phenylpropanamide);	4596
(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	4597
hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-	4598

phenylpropanamide);	4599
(13) Betameprodine;	4600
(14) Betamethadol;	4601
(15) Betaprodine;	4602
(16) Clonitazene;	4603
(17) Dextromoramide;	4604
(18) Diampromide;	4605
(19) Diethylthiambutene;	4606
(20) Difenoxin;	4607
(21) Dimenoxadol;	4608
(22) Dimepheptanol;	4609
(23) Dimethylthiambutene;	4610
(24) Dioxaphetyl butyrate;	4611
(25) Dipipanone;	4612
(26) Ethylmethylthiambutene;	4613
(27) Etonitazene;	4614
(28) Etoxeridine;	4615
(29) Furethidine;	4616
(30) Hydroxypethidine;	4617
(31) Ketobemidone;	4618
(32) Levomoramide;	4619
(33) Levophenacylmorphan;	4620

(34) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	4621 4622
(35) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N- phenylpropanamide);	4623 4624
(36) Morpheridine;	4625
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	4626
(38) Noracymethadol;	4627
(39) Norlevorphanol;	4628
(40) Normethadone;	4629
(41) Norpipanone;	4630
(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	4631 4632
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;	4633
(44) Phenadoxone;	4634
(45) Phenampromide;	4635
(46) Phenomorphan;	4636
(47) Phenoperidine;	4637
(48) Piritramide;	4638
(49) Proheptazine;	4639
(50) Properidine;	4640
(51) Propiram;	4641
(52) Racemoramide;	4642
(53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	4643 4644

- (54) Tilidine; 4645
- (55) Trimeperidine. 4646
- (56) Except as otherwise provided in this section, any 4647  
compound that meets all of the following fentanyl pharmacophore 4648  
requirements to bind at the mu receptor, as identified by a 4649  
report from an established forensic laboratory: 4650
- (a) A chemical scaffold consisting of both of the 4651  
following: 4652
- (i) A five, six, or seven member ring structure containing 4653  
a nitrogen, whether or not further substituted; 4654
- (ii) An attached nitrogen to the ring, whether or not that 4655  
nitrogen is enclosed in a ring structure, including an attached 4656  
aromatic ring or other lipophilic group to that nitrogen; 4657
- (b) A polar functional group attached to the chemical 4658  
scaffold, including but not limited to, a hydroxyl, ketone, 4659  
amide, or ester; 4660
- (c) An alkyl or aryl substitution off the ring nitrogen of 4661  
the chemical scaffold; and 4662
- (d) The compound has not been approved for medical use by 4663  
the United States food and drug administration. 4664
- (B) Narcotics-opium derivatives 4665
- Any of the following opium derivatives, including their 4666  
salts, isomers, and salts of isomers, unless specifically 4667  
excepted under federal drug abuse control laws, whenever the 4668  
existence of these salts, isomers, and salts of isomers is 4669  
possible within the specific chemical designation: 4670
- (1) Acetorphine; 4671

(2) Acetyldihydrocodeine;	4672
(3) Benzylmorphine;	4673
(4) Codeine methylbromide;	4674
(5) Codeine-n-oxide;	4675
(6) Cyprenorphine;	4676
(7) Desomorphine;	4677
(8) Dihydromorphine;	4678
(9) Drotebanol;	4679
(10) Etorphine (except hydrochloride salt);	4680
(11) Heroin;	4681
(12) Hydromorphinol;	4682
(13) Methyldesorphine;	4683
(14) Methyldihydromorphine;	4684
(15) Morphine methylbromide;	4685
(16) Morphine methylsulfonate;	4686
(17) Morphine-n-oxide;	4687
(18) Myrophine;	4688
(19) Nicocodeine;	4689
(20) Nicomorphine;	4690
(21) Normorphine;	4691
(22) Pholcodine;	4692
(23) Thebacon.	4693



(C) Hallucinogens	4694
Any material, compound, mixture, or preparation that	4695
contains any quantity of the following hallucinogenic	4696
substances, including their salts, isomers, and salts of	4697
isomers, unless specifically excepted under federal drug abuse	4698
control laws, whenever the existence of these salts, isomers,	4699
and salts of isomers is possible within the specific chemical	4700
designation. For the purposes of this division only, "isomer"	4701
includes the optical isomers, position isomers, and geometric	4702
isomers.	4703
(1) Alpha-ethyltryptamine (some trade or other names:	4704
etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-	4705
aminobutyl) indole; alpha-ET; and AET);	4706
(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other	4707
names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-	4708
2,5-DMA);	4709
(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or	4710
other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane;	4711
alpha-desmethyl DOB; 2C-B, Nexus);	4712
(4) 2,5-dimethoxyamphetamine (some trade or other names:	4713
2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);	4714
(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other	4715
names: DOET);	4716
(6) 4-methoxyamphetamine (some trade or other names: 4-	4717
methoxy-alpha-methylphenethylamine; paramethoxyamphetamine;	4718
PMA);	4719
(7) 5-methoxy-3,4-methylenedioxy-amphetamine;	4720
(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or	4721

other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine;	4722
"DOM" and "STP");	4723
(9) 3,4-methylenedioxy amphetamine (MDA);	4724
(10) 3,4-methylenedioxymethamphetamine (MDMA);	4725
(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as	4726
N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl	4727
MDA, MDE, MDEA);	4728
(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known	4729
as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and	4730
N-hydroxy MDA);	4731
(13) 3,4,5-trimethoxy amphetamine;	4732
(14) Bufotenine (some trade or other names: 3-(beta-	4733
dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-	4734
indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-	4735
dimethyltryptamine; mappine);	4736
(15) Diethyltryptamine (some trade or other names: N, N-	4737
diethyltryptamine; DET);	4738
(16) Dimethyltryptamine (some trade or other names: DMT);	4739
(17) Ibogaine (some trade or other names: 7-ethyl-	4740
6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano- 5H-	4741
pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga);	4742
(18) Lysergic acid diethylamide;	4743
(19) Marihuana;	4744
(20) Mescaline;	4745
(21) Parahexyl (some trade or other names: 3-hexyl-1-	4746
hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-	4747

dibenzo[b,d]pyran; synhexyl); 4748

(22) Peyote (meaning all parts of the plant presently 4749  
classified botanically as "Lophophora williamsii Lemaire," 4750  
whether growing or not, the seeds of that plant, any extract 4751  
from any part of that plant, and every compound, manufacture, 4752  
salts, derivative, mixture, or preparation of that plant, its 4753  
seeds, or its extracts); 4754

(23) N-ethyl-3-piperidyl benzilate; 4755

(24) N-methyl-3-piperidyl benzilate; 4756

(25) Psilocybin; 4757

(26) Psilocyn; 4758

(27) Tetrahydrocannabinols (synthetic equivalents of the 4759  
substances contained in the plant, or in the resinous 4760  
extractives of Cannabis, sp. and/or synthetic substances, 4761  
derivatives, and their isomers with similar chemical structure 4762  
and pharmacological activity such as the following: delta-1-cis 4763  
or trans tetrahydrocannabinol, and their optical isomers; delta- 4764  
6-cis or trans tetrahydrocannabinol, and their optical isomers; 4765  
delta-3,4-cis or trans tetrahydrocannabinol, and its optical 4766  
isomers. (Since nomenclature of these substances is not 4767  
internationally standardized, compounds of these structures, 4768  
regardless of numerical designation of atomic positions, are 4769  
covered.)); 4770

(28) Ethylamine analog of phencyclidine (some trade or 4771  
other names: N-ethyl-1-phenylcyclohexylamine; (1- 4772  
phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; 4773  
cyclohexamine; PCE); 4774

(29) Pyrrolidine analog of phencyclidine (some trade or 4775

other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP);	4776
(30) Thiophene analog of phencyclidine (some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP);	4777 4778 4779
(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;	4780
(32) Hashish;	4781
(33) Salvia divinorum;	4782
(34) Salvinorin A;	4783
(35) (1-pentylindol-3-yl)-(2,2,3,3- tetramethylcyclopropyl)methanone (UR-144);	4784 4785
(36) 1-pentyl-3-(1-adamantoyl)indole (AB-001);	4786
(37) N-adamantyl-1-pentylindole-3-carboxamide;	4787
(38) N-adamantyl-1-pentylindazole-3-carboxamide (AKB48);	4788
(39) 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone (methoxetamine);	4789 4790
(40) N,N-diallyl-5-methoxytryptamine (5MeO-DALT);	4791
(41) [1-(5-fluoropentylindol-3-yl)]-(2,2,3,3- tetramethylcyclopropyl)methanone (5-fluoropentyl-UR-144; XLR11);	4792 4793
(42) [1-(5-chloropentylindol-3-yl)]-(2,2,3,3- tetramethylcyclopropyl)methanone (5-chloropentyl-UR-144);	4794 4795
(43) [1-(5-bromopentylindol-3-yl)]-(2,2,3,3- tetramethylcyclopropyl)methanone (5-bromopentyl-UR-144);	4796 4797
(44) {1-[2-(4-morpholinyl)ethyl]indol-3-yl}-(2,2,3,3- tetramethylcyclopropyl) methanone (A-796,260);	4798 4799
(45) 1-[(N-methylpiperidin-2-yl)methyl]-3-(1-	4800

adamantoyl)indole (AM1248);	4801
(46) N-adamantyl-1-(5-fluoropentylindole)-3-carboxamide;	4802
(47) 5-(2-aminopropyl)benzofuran (5-APB);	4803
(48) 6-(2-aminopropyl)benzofuran (6-APB);	4804
(49) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);	4805
(50) 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);	4806
(51) Benzothiophenylcyclohexylpiperidine (BTCP);	4807
(52) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);	4808
(53) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);	4809
(54) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);	4810
(55) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);	4811
(56) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C- T-2);	4812 4813
(57) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);	4814 4815
(58) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);	4816
(59) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);	4817
(60) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C- P);	4818 4819
(61) 4-methoxymethamphetamine (PMMA);	4820
(62) 5,6 - Methylenedioxy-2-aminoindane (MDAI);	4821
(63) 5-iodo-2-aminoindane (5-IAI);	4822
(64) 2-(4-iodo-2,5-dimethoxyphenyl)-N- [(2- methoxyphenyl)methyl]ethanamine (25I-NBOMe);	4823 4824

(65) Diphenylprolinol (diphenyl(pyrrolidin-2-yl)methanol, D2PM);	4825 4826
(66) Desoxypipradrol (2-benzhydrylpiperidine);	4827
(67) Synthetic cannabinoids - unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of a synthetic cannabinoid found to be in any of the following chemical groups or any of those groups which contain any synthetic cannabinoid salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical groups:	4828 4829 4830 4831 4832 4833 4834 4835
(a) Naphthoylindoles: any compound containing a 3-(1- naphthoyl)indole structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent or whether or not substituted on the naphthyl group to any extent. Naphthoylindoles include, but are not limited to, 1-[2-(4- morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-(5- fluoropentyl)-3-(1-naphthoyl)indole (AM2201), 1-pentyl-3-(1- naphthoyl)indole (JWH-018), and 1-butyl-3-(1-naphthoyl)indole (JWH-073).	4836 4837 4838 4839 4840 4841 4842 4843 4844 4845 4846 4847 4848 4849
(b) Naphthylmethylindoles: any compound containing a 1H- indol-3-yl-(1-naphthyl)methane structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-	4850 4851 4852 4853 4854

2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3- 4855  
morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or 4856  
not further substituted on the indole ring to any extent or 4857  
whether or not substituted on the naphthyl group to any extent. 4858  
Naphthylmethylindoles include, but are not limited to, (1- 4859  
pentylindol-3-yl)(1-naphthyl)methane (JWH-175). 4860

(c) Naphthoylpyrroles: any compound containing a 3-(1- 4861  
naphthoyl)pyrrole structure with or without substitution at the 4862  
nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, 4863  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4864  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4865  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4866  
or 2-(4-morpholinyl)ethyl group, whether or not further 4867  
substituted on the pyrrole ring to any extent or whether or not 4868  
substituted on the naphthyl group to any extent. 4869  
Naphthoylpyrroles include, but are not limited to, 1-hexyl-2- 4870  
phenyl-4-(1-naphthoyl)pyrrole (JWH-147). 4871

(d) Naphthylmethylindenes: any compound containing a 4872  
naphthylmethylideneindene structure with or without substitution 4873  
at the 3-position of the indene ring by an alkyl, haloalkyl, 4874  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4875  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4876  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4877  
or 2-(4-morpholinyl)ethyl group, whether or not further 4878  
substituted on the indene group to any extent or whether or not 4879  
substituted on the naphthyl group to any extent. 4880  
Naphthylmethylindenes include, but are not limited to, (1-[(3- 4881  
pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176). 4882

(e) Phenylacetylindoles: any compound containing a 3- 4883  
phenylacetylindole structure with or without substitution at the 4884

nitrogen atom of the indole ring by an alkyl, haloalkyl, 4885  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4886  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4887  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4888  
or 2-(4-morpholinyl)ethyl group, whether or not further 4889  
substituted on the indole ring to any extent or whether or not 4890  
substituted on the phenyl group to any extent. 4891  
Phenylacetylindoles include, but are not limited to, 1-pentyl-3- 4892  
(2-methoxyphenylacetyl)indole (JWH-250), and 1-(2- 4893  
cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8); 1- 4894  
pentyl-3-(2-chlorophenylacetyl)indole (JWH-203). 4895

(f) Cyclohexylphenols: any compound containing a 2-(3- 4896  
hydroxycyclohexyl)phenol structure with or without substitution 4897  
at the 5-position of the phenolic ring by an alkyl, haloalkyl, 4898  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4899  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4900  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4901  
or 2-(4-morpholinyl)ethyl group, whether or not further 4902  
substituted on the cyclohexyl group to any extent. 4903  
Cyclohexylphenols include, but are not limited to, 5-(1,1- 4904  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some 4905  
trade or other names: CP-47,497) and 5-(1,1-dimethyloctyl)-2- 4906  
[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: 4907  
cannabicyclohexanol; CP-47,497 C8 homologue). 4908

(g) Benzoylindoles: any compound containing a 3-(1- 4909  
benzoyl)indole structure with or without substitution at the 4910  
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4911  
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4912  
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4913  
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl 4914  
or 2-(4-morpholinyl)ethyl group, whether or not further 4915



substituted on the indole ring to any extent or whether or not 4916  
substituted on the phenyl group to any extent. Benzoylindoles 4917  
include, but are not limited to, 1-pentyl-3-(4- 4918  
methoxybenzoyl)indole (RCS-4), 1-[2-(4-morpholinyl)ethyl]-2- 4919  
methyl-3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48, 098). 4920

(D) Depressants 4921

Any material, compound, mixture, or preparation that 4922  
contains any quantity of the following substances having a 4923  
depressant effect on the central nervous system, including their 4924  
salts, isomers, and salts of isomers, unless specifically 4925  
excepted under federal drug abuse control laws, whenever the 4926  
existence of these salts, isomers, and salts of isomers is 4927  
possible within the specific chemical designation: 4928

(1) Mecloqualone; 4929

(2) Methaqualone. 4930

(E) Stimulants 4931

Unless specifically excepted or unless listed in another 4932  
schedule, any material, compound, mixture, or preparation that 4933  
contains any quantity of the following substances having a 4934  
stimulant effect on the central nervous system, including their 4935  
salts, isomers, and salts of isomers: 4936

(1) Aminorex (some other names: aminoxaphen; 2-amino-5- 4937  
phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine); 4938

(2) Fenethylamine; 4939

(3) (+/-)cis-4-methylaminorex ((+/-)cis-4,5-dihydro-4- 4940  
methyl-5-phenyl-2-oxazolamine); 4941

(4) N-ethylamphetamine; 4942

(5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine);	4943 4944
(6) N-methyl-1-(thiophen-2-yl) propan-2-amine (Methiopropamine);	4945 4946
(7) Substituted cathinones - any compound except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:	4947 4948 4949 4950 4951 4952
(a) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;	4953 4954 4955 4956
(b) By substitution at the 3-position with an acyclic alkyl substituent;	4957 4958
(c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups;	4959 4960
(d) By inclusion of the 2-amino nitrogen atom in a cyclic structure.	4961 4962
Examples of substituted cathinones include, but are not limited to, methylone (3,4-methylenedioxy-methcathinone), MDPV (3,4-methylenedioxy-pyrovalerone), mephedrone (4-methylmethcathinone), 4-methoxymethcathinone, 4-fluoromethcathinone, 3-fluoromethcathinone, Pentadrone (2-(methylamino)-1-phenyl-1-pentanone), pentylone (1-(1,3-benzodioxol-5-yl)-2-(methylamino)-1-pentanone), 2-(1-pyrrolidinyl)-1-(4-methylphenyl)-1-propanone, alpha-PVP (1-phenyl-2-(1-pyrrolidinyl)-1-pentanone), cathinone (2-amino-1-	4963 4964 4965 4966 4967 4968 4969 4970 4971

phenyl-1-propanone), and methcathinone (2-(methylamino)-  
propiofenone). 4972  
4973

SCHEDULE II 4974

(A) Narcotics-opium and opium derivatives 4975

Unless specifically excepted under federal drug abuse 4976  
control laws or unless listed in another schedule, any of the 4977  
following substances whether produced directly or indirectly by 4978  
extraction from substances of vegetable origin, independently by 4979  
means of chemical synthesis, or by a combination of extraction 4980  
and chemical synthesis: 4981

(1) Opium and opiate, and any salt, compound, derivative, 4982  
or preparation of opium or opiate, excluding apomorphine, 4983  
thebaine-derived butorphanol, dextrorphan, nalbuphine, 4984  
nalmefene, naloxone, and naltrexone, and their respective salts, 4985  
but including the following: 4986

- (a) Raw opium; 4987
- (b) Opium extracts; 4988
- (c) Opium fluid extracts; 4989
- (d) Powdered opium; 4990
- (e) Granulated opium; 4991
- (f) Tincture of opium; 4992
- (g) Codeine; 4993
- (h) Ethylmorphine; 4994
- (i) Etorphine hydrochloride; 4995
- (j) Hydrocodone; 4996

(k) Hydromorphone;	4997
(l) Metopon;	4998
(m) Morphine;	4999
(n) Oxycodone;	5000
(o) Oxymorphone;	5001
(p) Thebaine.	5002
(2) Any salt, compound, derivative, or preparation thereof	5003
that is chemically equivalent to or identical with any of the	5004
substances referred to in division (A) (1) of this schedule,	5005
except that these substances shall not include the isoquinoline	5006
alkaloids of opium;	5007
(3) Opium poppy and poppy straw;	5008
(4) Coca leaves and any salt, compound, derivative, or	5009
preparation of coca leaves (including cocaine and ecgonine,	5010
their salts, isomers, and derivatives, and salts of those	5011
isomers and derivatives), and any salt, compound, derivative, or	5012
preparation thereof that is chemically equivalent to or	5013
identical with any of these substances, except that the	5014
substances shall not include decocainized coca leaves or	5015
extraction of coca leaves, which extractions do not contain	5016
cocaine or ecgonine;	5017
(5) Concentrate of poppy straw (the crude extract of poppy	5018
straw in either liquid, solid, or powder form that contains the	5019
phenanthrene alkaloids of the opium poppy).	5020
(B) Narcotics-opiates	5021
Unless specifically excepted under federal drug abuse	5022
control laws or unless listed in another schedule, any of the	5023

following opiates, including their isomers, esters, ethers,	5024
salts, and salts of isomers, esters, and ethers, whenever the	5025
existence of these isomers, esters, ethers, and salts is	5026
possible within the specific chemical designation, but excluding	5027
dextrophan and levopropoxyphene:	5028
(1) Alfentanil;	5029
(2) Alphaprodine;	5030
(3) Anileridine;	5031
(4) Bezitramide;	5032
(5) Bulk dextropropoxyphene (non-dosage forms);	5033
(6) Carfentanil;	5034
(7) Dihydrocodeine;	5035
(8) Diphenoxylate;	5036
(9) Fentanyl;	5037
(10) Isomethadone;	5038
(11) Levo-alpha-acetylmethadol (some other names: levo-	5039
alpha-acetylmethadol; levomethadyl acetate; LAAM);	5040
(12) Levomethorphan;	5041
(13) Levorphanol;	5042
(14) Metazocine;	5043
(15) Methadone;	5044
(16) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-	5045
diphenyl butane;	5046
(17) Moramide-intermediate, 2-methyl-3-morpholino-1,1-	5047

diphenylpropane-carboxylic acid;	5048
(18) Pethidine (meperidine);	5049
(19) Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;	5050 5051
(20) Pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;	5052 5053
(21) Pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;	5054 5055
(22) Phenazocine;	5056
(23) Piminodine;	5057
(24) Racemethorphan;	5058
(25) Racemorphan;	5059
(26) Remifentanil;	5060
(27) Sufentanil.	5061
(C) Stimulants	5062
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system:	5063 5064 5065 5066 5067
(1) Amphetamine, its salts, its optical isomers, and salts of its optical isomers;	5068 5069
(2) Methamphetamine, its salts, its isomers, and salts of its isomers;	5070 5071
(3) Methylphenidate;	5072

(4) Phenmetrazine and its salts;	5073
(5) <u>Lisdexamfetamine, its salts, isomers, and salts of its isomers.</u>	5074
(D) Depressants	5075
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:	5077
(1) Amobarbital;	5078
(2) Gamma-hydroxy-butyrate;	5079
(3) Glutethimide;	5080
(4) Pentobarbital;	5081
(5) Phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)piperidine; PCP);	5082
(6) Secobarbital;	5083
(7) 1-aminophenylcyclohexane and all N-mono-substituted and/or all N-N-disubstituted analogs including, but not limited to, the following:	5084
(a) 1-phenylcyclohexylamine;	5085
(b) (1-phenylcyclohexyl) methylamine;	5086
(c) (1-phenylcyclohexyl) dimethylamine;	5087
(d) (1-phenylcyclohexyl) methylethylamine;	5088

(e) (1-phenylcyclohexyl) isopropylamine;	5099
(f) 1-(1-phenylcyclohexyl) morpholine.	5100
(E) Hallucinogenic substances	5101
(1) Nabilone (another name for nabilone: (+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one).	5102
	5103
	5104
(F) Immediate precursors	5105
Unless specifically excepted under federal drug abuse	5106
control laws or unless listed in another schedule, any material,	5107
compound, mixture, or preparation that contains any quantity of	5108
the following substances:	5109
(1) Immediate precursor to amphetamine and	5110
methamphetamine:	5111
(a) Phenylacetone (some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone);	5112
	5113
(2) Immediate precursors to phencyclidine (PCP):	5114
(a) 1-phenylcyclohexylamine;	5115
(b) 1-piperidinocyclohexanecarbonitrile (PCC).	5116
SCHEDULE III	5117
(A) Stimulants	5118
Unless specifically excepted under federal drug abuse	5119
control laws or unless listed in another schedule, any material,	5120
compound, mixture, or preparation that contains any quantity of	5121
the following substances having a stimulant effect on the	5122
central nervous system, including their salts, their optical	5123
isomers, position isomers, or geometric isomers, and salts of	5124



these isomers, whenever the existence of these salts, isomers, 5125  
and salts of isomers is possible within the specific chemical 5126  
designation: 5127

(1) All stimulant compounds, mixtures, and preparations 5128  
included in schedule III pursuant to the federal drug abuse 5129  
control laws and regulations adopted under those laws; 5130

(2) Benzphetamine; 5131

(3) Chlorphentermine; 5132

(4) Clortermine; 5133

(5) Phendimetrazine. 5134

(B) Depressants 5135

Unless specifically excepted under federal drug abuse 5136  
control laws or unless listed in another schedule, any material, 5137  
compound, mixture, or preparation that contains any quantity of 5138  
the following substances having a depressant effect on the 5139  
central nervous system: 5140

(1) Any compound, mixture, or preparation containing 5141  
amobarbital, secobarbital, pentobarbital, or any salt of any of 5142  
these drugs, and one or more other active medicinal ingredients 5143  
that are not listed in any schedule; 5144

(2) Any suppository dosage form containing amobarbital, 5145  
secobarbital, pentobarbital, or any salt of any of these drugs 5146  
and approved by the food and drug administration for marketing 5147  
only as a suppository; 5148

(3) Any substance that contains any quantity of a 5149  
derivative of barbituric acid or any salt of a derivative of 5150  
barbituric acid; 5151

(4) Chlorhexadol;	5152
(5) Ketamine, its salts, isomers, and salts of isomers	5153
(some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2-	5154
(methylamino)-cyclohexanone);	5155
(6) Lysergic acid;	5156
(7) Lysergic acid amide;	5157
(8) Methyprylon;	5158
(9) Sulfondiethylmethane;	5159
(10) Sulfonethylmethane;	5160
(11) Sulfonmethane;	5161
(12) Tiletamine, zolazepam, or any salt of tiletamine or	5162
zolazepam (some trade or other names for a tiletamine-zolazepam	5163
combination product: Telazol); (some trade or other names for	5164
tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some	5165
trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-	5166
dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)-	5167
one; flupyrzapon).	5168
(C) Narcotic antidotes	5169
(1) Nalorphine.	5170
(D) Narcotics-narcotic preparations	5171
Unless specifically excepted under federal drug abuse	5172
control laws or unless listed in another schedule, any material,	5173
compound, mixture, or preparation that contains any of the	5174
following narcotic drugs, or their salts calculated as the free	5175
anhydrous base or alkaloid, in limited quantities as set forth	5176
below:	5177

(1) Not more than 1.8 grams of codeine per 100 milliliters	5178
or not more than 90 milligrams per dosage unit, with an equal or	5179
greater quantity of an isoquinoline alkaloid of opium;	5180
(2) Not more than 1.8 grams of codeine per 100 milliliters	5181
or not more than 90 milligrams per dosage unit, with one or more	5182
active, nonnarcotic ingredients in recognized therapeutic	5183
amounts;	5184
(3) Not more than 300 milligrams of dihydrocodeinone per	5185
100 milliliters or not more than 15 milligrams per dosage unit,	5186
with a fourfold or greater quantity of an isoquinoline alkaloid	5187
of opium;	5188
(4) Not more than 300 milligrams of dihydrocodeinone per	5189
100 milliliters or not more than 15 milligrams per dosage unit,	5190
with one or more active, nonnarcotic ingredients in recognized	5191
therapeutic amounts;	5192
(5) Not more than 1.8 grams of dihydrocodeine per 100	5193
milliliters or not more than 90 milligrams per dosage unit, with	5194
one or more active, nonnarcotic ingredients in recognized	5195
therapeutic amounts;	5196
(6) Not more than 300 milligrams of ethylmorphine per 100	5197
milliliters or not more than 15 milligrams per dosage unit, with	5198
one or more active, nonnarcotic ingredients in recognized	5199
therapeutic amounts;	5200
(7) Not more than 500 milligrams of opium per 100	5201
milliliters or per 100 grams or not more than 25 milligrams per	5202
dosage unit, with one or more active, nonnarcotic ingredients in	5203
recognized therapeutic amounts;	5204
(8) Not more than 50 milligrams of morphine per 100	5205
milliliters or per 100 grams, with one or more active,	5206

nonnarcotic ingredients in recognized therapeutic amounts. 5207

(E) Anabolic steroids 5208

Unless specifically excepted under federal drug abuse 5209  
control laws or unless listed in another schedule, any material, 5210  
compound, mixture, or preparation that contains any quantity of 5211  
the following substances, including their salts, esters, 5212  
isomers, and salts of esters and isomers, whenever the existence 5213  
of these salts, esters, and isomers is possible within the 5214  
specific chemical designation: 5215

(1) Anabolic steroids. Except as otherwise provided in 5216  
division (E)(1) of schedule III, "anabolic steroids" means any 5217  
drug or hormonal substance that is chemically and 5218  
pharmacologically related to testosterone (other than estrogens, 5219  
progestins, and corticosteroids) and that promotes muscle 5220  
growth. "Anabolic steroids" does not include an anabolic steroid 5221  
that is expressly intended for administration through implants 5222  
to cattle or other nonhuman species and that has been approved 5223  
by the United States secretary of health and human services for 5224  
that administration, unless a person prescribes, dispenses, or 5225  
distributes this type of anabolic steroid for human use. 5226  
"Anabolic steroid" includes, but is not limited to, the 5227  
following: 5228

(a) Boldenone; 5229

(b) Chlorotestosterone (4-chlortestosterone); 5230

(c) Clostebol; 5231

(d) Dehydrochlormethyltestosterone; 5232

(e) Dihydrotestosterone (4-dihydrotestosterone); 5233

(f) Drostanolone; 5234

(g) Ethylestrenol;	5235
(h) Fluoxymesterone;	5236
(i) Formebolone (formebolone);	5237
(j) Mesterolone;	5238
(k) Methandienone;	5239
(l) Methandranone;	5240
(m) Methandriol;	5241
(n) Methandrostenolone;	5242
(o) Methenolone;	5243
(p) Methyltestosterone;	5244
(q) Mibolerone;	5245
(r) Nandrolone;	5246
(s) Norethandrolone;	5247
(t) Oxandrolone;	5248
(u) Oxymesterone;	5249
(v) Oxymetholone;	5250
(w) Stanolone;	5251
(x) Stanozolol;	5252
(y) Testolactone;	5253
(z) Testosterone;	5254
(aa) Trenbolone;	5255
(bb) Any salt, ester, isomer, or salt of an ester or isomer of a drug or hormonal substance described or listed in	5256 5257

division (E) (1) of schedule III if the salt, ester, or isomer 5258  
promotes muscle growth. 5259

(F) Hallucinogenic substances 5260

(1) Dronabinol (synthetic) in sesame oil and encapsulated 5261  
in a soft gelatin capsule in a United States food and drug 5262  
administration approved drug product (some other names for 5263  
dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6,9-trimethyl- 5264  
3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)- 5265  
tetrahydrocannabinol). 5266

SCHEDULE IV 5267

(A) Narcotic drugs 5268

Unless specifically excepted by federal drug abuse control 5269  
laws or unless listed in another schedule, any material, 5270  
compound, mixture, or preparation that contains any of the 5271  
following narcotic drugs, or their salts calculated as the free 5272  
anhydrous base or alkaloid, in limited quantities as set forth 5273  
below: 5274

(1) Not more than one milligram of difenoxin and not less 5275  
than 25 micrograms of atropine sulfate per dosage unit; 5276

(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2- 5277  
diphenyl-3-methyl-2- propionoxybutane) [final dosage forms]. 5278

(B) Depressants 5279

Unless specifically excepted under federal drug abuse 5280  
control laws or unless listed in another schedule, any material, 5281  
compound, mixture, or preparation that contains any quantity of 5282  
the following substances, including their salts, isomers, and 5283  
salts of isomers, whenever the existence of these salts, 5284  
isomers, and salts of isomers is possible within the specific 5285

chemical designation:	5286
(1) Alprazolam;	5287
(2) Barbital;	5288
(3) Bromazepam;	5289
(4) Camazepam;	5290
(5) Chloral betaine;	5291
(6) Chloral hydrate;	5292
(7) Chlordiazepoxide;	5293
(8) Clobazam;	5294
(9) Clonazepam;	5295
(10) Clorazepate;	5296
(11) Clotiazepam;	5297
(12) Cloxazolam;	5298
(13) Delorazepam;	5299
(14) Diazepam;	5300
(15) Estazolam;	5301
(16) Ethchlorvynol;	5302
(17) Ethinamate;	5303
(18) Ethyl loflazepate;	5304
(19) Fludiazepam;	5305
(20) Flunitrazepam;	5306
(21) Flurazepam;	5307

(22) Halazepam;	5308
(23) Haloxazolam;	5309
(24) Ketazolam;	5310
(25) Loprazolam;	5311
(26) Lorazepam;	5312
(27) Lormetazepam;	5313
(28) Mebutamate;	5314
(29) Medazepam;	5315
(30) Meprobamate;	5316
(31) Methohexital;	5317
(32) Methylphenobarbital (mephobarbital);	5318
(33) Midazolam;	5319
(34) Nimetazepam;	5320
(35) Nitrazepam;	5321
(36) Nordiazepam;	5322
(37) Oxazepam;	5323
(38) Oxazolam;	5324
(39) Paraldehyde;	5325
(40) Petrichloral;	5326
(41) Phenobarbital;	5327
(42) Pinazepam;	5328
(43) Prazepam;	5329



(44) Quazepam;	5330
(45) Temazepam;	5331
(46) Tetrazepam;	5332
(47) Triazolam;	5333
(48) Zaleplon;	5334
(49) Zolpidem.	5335
(C) Fenfluramine	5336
Any material, compound, mixture, or preparation that	5337
contains any quantity of the following substances, including	5338
their salts, their optical isomers, position isomers, or	5339
geometric isomers, and salts of these isomers, whenever the	5340
existence of these salts, isomers, and salts of isomers is	5341
possible within the specific chemical designation:	5342
(1) Fenfluramine.	5343
(D) Stimulants	5344
Unless specifically excepted under federal drug abuse	5345
control laws or unless listed in another schedule, any material,	5346
compound, mixture, or preparation that contains any quantity of	5347
the following substances having a stimulant effect on the	5348
central nervous system, including their salts, their optical	5349
isomers, position isomers, or geometric isomers, and salts of	5350
these isomers, whenever the existence of these salts, isomers,	5351
and salts of isomers is possible within the specific chemical	5352
designation:	5353
(1) Cathine ((+)-norpseudoephedrine);	5354
(2) Diethylpropion;	5355

(3) Fencamfamin;	5356
(4) Fenproporex;	5357
(5) Mazindol;	5358
(6) Mefenorex;	5359
(7) Modafinil;	5360
(8) Pemoline (including organometallic complexes and chelates thereof);	5361 5362
(9) Phentermine;	5363
(10) Pipradrol;	5364
(11) Sibutramine;	5365
(12) SPA [(-)-1-dimethylamino-1,2-diphenylethane].	5366
(E) Other substances	5367
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts:	5368 5369 5370 5371
(1) Pentazocine;	5372
(2) Butorphanol (including its optical isomers).	5373
SCHEDULE V	5374
(A) Narcotic drugs	5375
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, and their salts, as set forth below:	5376 5377 5378 5379

(1) Buprenorphine.	5380
(B) Narcotics-narcotic preparations	5381
Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, and that includes one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:	5382 5383 5384 5385 5386 5387 5388 5389
(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;	5390 5391
(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;	5392 5393
(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;	5394 5395
(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;	5396 5397
(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;	5398 5399
(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.	5400 5401
(C) Stimulants	5402
Unless specifically exempted or excluded under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant	5403 5404 5405 5406

effect on the central nervous system, including their salts, 5407  
isomers, and salts of isomers: 5408

(1) Ephedrine, except as provided in division (K) of 5409  
section 3719.44 of the Revised Code; 5410

(2) Pyrovalerone. 5411

**Sec. 3719.99.** (A) Whoever violates section 3719.16 or 5412  
3719.161 of the Revised Code is guilty of a felony of the fifth 5413  
degree. If the offender previously has been convicted of a 5414  
violation of section 3719.16 or 3719.161 of the Revised Code or 5415  
a drug abuse offense, a violation of section 3719.16 or 3719.161 5416  
of the Revised Code is a felony of the fourth degree. If the 5417  
violation involves the sale, offer to sell, or possession of a 5418  
schedule I or II controlled substance, with the exception of 5419  
marihuana, and if the offender, as a result of the violation, is 5420  
a major drug offender, division (D) of this section applies. 5421

(B) Whoever violates division (C) or (D) of section 5422  
3719.172 of the Revised Code is guilty of a felony of the fifth 5423  
degree. If the offender previously has been convicted of a 5424  
violation of division (C) or (D) of section 3719.172 of the 5425  
Revised Code or a drug abuse offense, a violation of division 5426  
(C) or (D) of section 3719.172 of the Revised Code is a felony 5427  
of the fourth degree. If the violation involves the sale, offer 5428  
to sell, or possession of a schedule I or II controlled 5429  
substance, with the exception of marihuana, and if the offender, 5430  
as a result of the violation, is a major drug offender, division 5431  
(D) of this section applies. 5432

(C) Whoever violates section 3719.07 or 3719.08 of the 5433  
Revised Code is guilty of a misdemeanor of the first degree. If 5434  
the offender previously has been convicted of a violation of 5435

section 3719.07 or 3719.08 of the Revised Code or a drug abuse 5436  
offense, a violation of section 3719.07 or 3719.08 of the 5437  
Revised Code is a felony of the fifth degree. If the violation 5438  
involves the sale, offer to sell, or possession of a schedule I 5439  
or II controlled substance, with the exception of marihuana, and 5440  
if the offender, as a result of the violation, is a major drug 5441  
offender, division (D) of this section applies. 5442

(D) (1) If an offender is convicted of or pleads guilty to 5443  
a felony violation of section 3719.07, 3719.08, 3719.16, or 5444  
3719.161 or of division (C) or (D) of section 3719.172 of the 5445  
Revised Code, if the violation involves the sale, offer to sell, 5446  
or possession of a schedule I or II controlled substance, with 5447  
the exception of marihuana, and if the court imposing sentence 5448  
upon the offender finds that the offender as a result of the 5449  
violation is a major drug offender and is guilty of a 5450  
specification of the type described in division (A) of section 5451  
2941.1410 of the Revised Code, the court, in lieu of the prison 5452  
term authorized or required by division (A), (B), or (C) of this 5453  
section and sections 2929.13 and 2929.14 of the Revised Code and 5454  
in addition to any other sanction imposed for the offense under 5455  
sections 2929.11 to 2929.18 of the Revised Code, shall impose 5456  
upon the offender, in accordance with division (B) (3) (a) of 5457  
section 2929.14 of the Revised Code, the mandatory prison term 5458  
specified in that division and may impose an additional prison 5459  
term under division (B) (3) (b) of that section. 5460

(2) Notwithstanding any contrary provision of section 5461  
3719.21 of the Revised Code, the clerk of the court shall pay 5462  
any fine imposed for a felony violation of section 3719.07, 5463  
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 5464  
section 3719.172 of the Revised Code pursuant to division (A) of 5465  
section 2929.18 of the Revised Code in accordance with and 5466

subject to the requirements of division (F) of section 2925.03 5467  
of the Revised Code. The agency that receives the fine shall use 5468  
the fine as specified in division (F) of section 2925.03 of the 5469  
Revised Code. 5470

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 5471  
3719.31 or division (B) of section 3719.172 of the Revised Code 5472  
is guilty of a misdemeanor of the third degree. If the offender 5473  
previously has been convicted of a violation of section 3719.05, 5474  
3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 5475  
of the Revised Code or a drug abuse offense, a violation of 5476  
section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of 5477  
section 3719.172 of the Revised Code is a misdemeanor of the 5478  
first degree. 5479

(F) Whoever violates section 3719.30 of the Revised Code 5480  
is guilty of a misdemeanor of the fourth degree. If the offender 5481  
previously has been convicted of a violation of section 3719.30 5482  
of the Revised Code or a drug abuse offense, a violation of 5483  
section 3719.30 of the Revised Code is a misdemeanor of the 5484  
third degree. 5485

(G) Whoever violates section 3719.32 or 3719.33 of the 5486  
Revised Code is guilty of a minor misdemeanor. 5487

(H) Whoever violates division (K) (2) (b) of section 3719.44 5488  
of the Revised Code is guilty of a felony of the fifth degree. 5489

(I) Whoever violates division (K) (2) (c) of section 3719.44 5490  
of the Revised Code is guilty of a misdemeanor of the second 5491  
degree. 5492

(J) As used in this section, "major drug offender" has the 5493  
same meaning as in section 2929.01 of the Revised Code. 5494

**Sec. 4729.99.** (A) Whoever violates division (H) of section 5495

4729.16, division (G) of section 4729.38, section 4729.57, or 5496  
division (F) of section 4729.96 of the Revised Code is guilty of 5497  
a minor misdemeanor, unless a different penalty is otherwise 5498  
specified in the Revised Code. Each day's violation constitutes 5499  
a separate offense. 5500

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 5501  
of the Revised Code is guilty of a misdemeanor of the third 5502  
degree. Each day's violation constitutes a separate offense. If 5503  
the offender previously has been convicted of or pleaded guilty 5504  
to a violation of this chapter, that person is guilty of a 5505  
misdemeanor of the second degree. 5506

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 5507  
of the Revised Code is guilty of a misdemeanor. 5508

(D) Whoever violates division (A), (B), (C), (D), (F), or 5509  
(G) of section 4729.51 of the Revised Code is guilty of a 5510  
misdemeanor of the first degree. 5511

(E) (1) Whoever violates section 4729.37, division (E) (1) 5512  
(b) of section 4729.51, division (J) of section 4729.54, 5513  
division (B) or (D) of section 4729.553, or section 4729.61 of 5514  
the Revised Code is guilty of a felony of the fifth degree. If 5515  
the offender previously has been convicted of or pleaded guilty 5516  
to a violation of this chapter or a violation of Chapter 2925. 5517  
or 3719. of the Revised Code, that person is guilty of a felony 5518  
of the fourth degree. 5519

(2) If an offender is convicted of or pleads guilty to a 5520  
violation of section 4729.37, division (E) of section 4729.51, 5521  
division (J) of section 4729.54, or section 4729.61 of the 5522  
Revised Code, if the violation involves the sale, offer to sell, 5523  
or possession of a schedule I or II controlled substance, with 5524

the exception of marihuana, and if the court imposing sentence 5525  
upon the offender finds that the offender as a result of the 5526  
violation is a major drug offender, as defined in section 5527  
2929.01 of the Revised Code, and is guilty of a specification of 5528  
the type described in division (A) of section 2941.1410 of the 5529  
Revised Code, the court, in lieu of the prison term authorized 5530  
or required by division (E)(1) of this section and sections 5531  
2929.13 and 2929.14 of the Revised Code and in addition to any 5532  
other sanction imposed for the offense under sections 2929.11 to 5533  
2929.18 of the Revised Code, shall impose upon the offender, in 5534  
accordance with division (B)(3) of section 2929.14 of the 5535  
Revised Code, the mandatory prison term specified in that 5536  
division. 5537

(3) Notwithstanding any contrary provision of section 5538  
3719.21 of the Revised Code, the clerk of court shall pay any 5539  
fine imposed for a violation of section 4729.37, division (E) of 5540  
section 4729.51, division (J) of section 4729.54, or section 5541  
4729.61 of the Revised Code pursuant to division (A) of section 5542  
2929.18 of the Revised Code in accordance with and subject to 5543  
the requirements of division (F) of section 2925.03 of the 5544  
Revised Code. The agency that receives the fine shall use the 5545  
fine as specified in division (F) of section 2925.03 of the 5546  
Revised Code. 5547

(F) Whoever violates section 4729.531 of the Revised Code 5548  
or any rule adopted thereunder or section 4729.532 of the 5549  
Revised Code is guilty of a misdemeanor of the first degree. 5550

(G) Whoever violates division (E)(1)(a) of section 4729.51 5551  
of the Revised Code is guilty of a felony of the fourth degree. 5552  
If the offender has previously been convicted of or pleaded 5553  
guilty to a violation of this chapter, or of a violation of 5554



Chapter 2925. or 3719. of the Revised Code, that person is 5555  
guilty of a felony of the third degree. 5556

(H) Whoever violates division (E)(1)(c) of section 4729.51 5557  
of the Revised Code is guilty of a misdemeanor of the first 5558  
degree. If the offender has previously been convicted of or 5559  
pleaded guilty to a violation of this chapter, or of a violation 5560  
of Chapter 2925. or 3719. of the Revised Code, that person is 5561  
guilty of a felony of the fifth degree. 5562

(I)(1) Whoever violates division (A) of section 4729.95 of 5563  
the Revised Code is guilty of unauthorized pharmacy-related drug 5564  
conduct. Except as otherwise provided in this section, 5565  
unauthorized pharmacy-related drug conduct is a misdemeanor of 5566  
the second degree. If the offender previously has been convicted 5567  
of or pleaded guilty to a violation of division (A), (B), or (C) 5568  
of that section, unauthorized pharmacy-related drug conduct is a 5569  
misdemeanor of the first degree on a second offense and a felony 5570  
of the fifth degree on a third or subsequent offense. 5571

(2) Whoever violates division (B) or (C) of section 5572  
4729.95 of the Revised Code is guilty of permitting unauthorized 5573  
pharmacy-related drug conduct. Except as otherwise provided in 5574  
this section, permitting unauthorized pharmacy-related drug 5575  
conduct is a misdemeanor of the second degree. If the offender 5576  
previously has been convicted of or pleaded guilty to a 5577  
violation of division (A), (B), or (C) of that section, 5578  
permitting unauthorized pharmacy-related drug conduct is a 5579  
misdemeanor of the first degree on a second offense and a felony 5580  
of the fifth degree on a third or subsequent offense. 5581

(3) Notwithstanding any contrary provision of section 5582  
3719.21 of the Revised Code or any other provision of law that 5583  
governs the distribution of fines, the clerk of the court shall 5584

pay any fine imposed pursuant to division (I) (1) or (2) of this 5585  
section to the state board of pharmacy if the board has adopted 5586  
a written internal control policy under division (F) (2) of 5587  
section 2925.03 of the Revised Code that addresses fine moneys 5588  
that it receives under Chapter 2925. of the Revised Code and if 5589  
the policy also addresses fine moneys paid under this division. 5590  
The state board of pharmacy shall use the fines so paid in 5591  
accordance with the written internal control policy to subsidize 5592  
the board's law enforcement efforts that pertain to drug 5593  
offenses. 5594

(J) (1) Whoever violates division (A) (1) of section 4729.86 5595  
of the Revised Code is guilty of a misdemeanor of the third 5596  
degree. If the offender has previously been convicted of or 5597  
pleaded guilty to a violation of division (A) (1), (2), or (3) of 5598  
section 4729.86 of the Revised Code, that person is guilty of a 5599  
misdemeanor of the first degree. 5600

(2) Whoever violates division (A) (2) of section 4729.86 of 5601  
the Revised Code is guilty of a misdemeanor of the first degree. 5602  
If the offender has previously been convicted of or pleaded 5603  
guilty to a violation of division (A) (1), (2), or (3) of section 5604  
4729.86 of the Revised Code, that person is guilty of a felony 5605  
of the fifth degree. 5606

(3) Whoever violates division (A) (3) of section 4729.86 of 5607  
the Revised Code is guilty of a felony of the fifth degree. If 5608  
the offender has previously been convicted of or pleaded guilty 5609  
to a violation of division (A) (1), (2), or (3) of section 5610  
4729.86 of the Revised Code, that person is guilty of a felony 5611  
of the fourth degree. 5612

(K) A person who violates division (C) of section 4729.552 5613  
of the Revised Code is guilty of a misdemeanor of the first 5614

degree. If the person previously has been convicted of or 5615  
pleaded guilty to a violation of division (C) of section 5616  
4729.552 of the Revised Code, that person is guilty of a felony 5617  
of the fifth degree. 5618

**Section 2.** That existing sections 2925.01, 2925.02, 5619  
2925.03, 2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2929.01, 5620  
2929.13, 2929.14, 2941.1410, 3719.41, 3719.99, and 4729.99 of 5621  
the Revised Code are hereby repealed. 5622

**Section 3.** Section 2925.03 of the Revised Code is 5623  
presented in this act as a composite of the section as amended 5624  
by Am. Sub. H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 5625  
131st General Assembly. The General Assembly, applying the 5626  
principle stated in division (B) of section 1.52 of the Revised 5627  
Code that amendments are to be harmonized if reasonably capable 5628  
of simultaneous operation, finds that the composite is the 5629  
resulting version of the section in effect prior to the 5630  
effective date of the section as presented in this act. 5631

Section 2925.11 of the Revised Code is presented in this 5632  
act as a composite of the section as amended by Sub. H.B. 110, 5633  
H.B. 171, and Sub. S.B. 204, all of the 131st General Assembly. 5634  
The General Assembly, applying the principle stated in division 5635  
(B) of section 1.52 of the Revised Code that amendments are to 5636  
be harmonized if reasonably capable of simultaneous operation, 5637  
finds that the composite is the resulting version of the section 5638  
in effect prior to the effective date of the section as 5639  
presented in this act. 5640

Section 2929.01 of the Revised Code is presented in this 5641  
act as a composite of the section as amended by both Sub. H.B. 5642  
158 and H.B. 171 of the 131st General Assembly. The General 5643  
Assembly, applying the principle stated in division (B) of 5644

section 1.52 of the Revised Code that amendments are to be 5645  
harmonized if reasonably capable of simultaneous operation, 5646  
finds that the composite is the resulting version of the section 5647  
in effect prior to the effective date of the section as 5648  
presented in this act. 5649

Section 2929.14 of the Revised Code is presented in this 5650  
act as a composite of the section as amended by both Sub. H.B. 5651  
470 and Sub. S.B. 319 of the 131st General Assembly. The General 5652  
Assembly, applying the principle stated in division (B) of 5653  
section 1.52 of the Revised Code that amendments are to be 5654  
harmonized if reasonably capable of simultaneous operation, 5655  
finds that the composite is the resulting version of the section 5656  
in effect prior to the effective date of the section as 5657  
presented in this act. 5658

Section 4729.99 of the Revised Code is presented in this 5659  
act as a composite of the section as amended by both Sub. H.B. 5660  
505 and Sub. S.B. 319 of the 131st General Assembly. The General 5661  
Assembly, applying the principle stated in division (B) of 5662  
section 1.52 of the Revised Code that amendments are to be 5663  
harmonized if reasonably capable of simultaneous operation, 5664  
finds that the composite is the resulting version of the section 5665  
in effect prior to the effective date of the section as 5666  
presented in this act. 5667